TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 591.

THE UNITED STATES, PETITIONER,

vs.

SING TUCK OR SING DO AND THIRTY-ONE OTHERS.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

FILED JUNE 30, 1904.

(19242.)

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a United States circuit court of appeals for the second circuit.

SING TUCK OR KING DO AND THIRTY-ONE OTHERS, appellants,
vs.
THE UNITED STATES, APPELLEE.

Transcript of record; appeal from the circuit court of the United States for the northern district of New York.

Printed under the direction of the clerk.

(Indorsed:) Filed Jan. 23, 1904. William Parkin, clerk. United States circuit court of appeals, second circuit.

1 *Petition.*

United States circuit court northern district of New York.

In the matter of the application of Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Sang, Wing Foo, Chong Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Ming Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing for a writ of habeas corpus.

The petition of R. M. Moore respectfully shows to this court upon information and belief as follows:

First. That your petitioner is an attorney and counsellor at law, residing and practicing as such in the city of New York, and has authority to institute these proceedings.

Second. That the relators above named are Chinese persons, born in the United States of America, and are citizens thereof, and that they are restrained of their liberty and detained by Thomas D'Arcy, Chinese inspector of the United States at Malone, N. Y., in what is known as the Detention House, an establishment jointly maintained by the United States Government and the Canadian Pacific Railroad, a foreign railroad corporation.

2 Third. That such detention is illegal and without any authority of law whatever.

Fourth. That the above-named Chinese persons have been denied admission to the United States by the Chinese inspector in charge of the detention house at Malone, N. Y., as appears by the attached copies of the orders denying them admission, dated October 13, 1903, which said orders are made a part of the petition herein.

Deponent further says that the said Chinese inspector has no right or authority to pass upon the rights of the said Chinese persons to enter the United States, but has only authority to pass upon the claim upon the right of aliens seeking to enter the United States.

Wherefore, your petitioner prays that a writ of habeas corpus may be issued herein and that said relators may be discharged from said prison.

Dated Oct. 16, 1903.

R. M. MOORE.

STATE OF NEW YORK,
County of Franklin, ss:

R. M. Moore, being duly sworn, says that he is the petitioner above named; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

R. M. MOORE.

Sworn to before me this 16th day of Oct., 1903.

GEO. J. MOORE,
Notary Public, Franklin County.

I, R. M. Moore, do certify and declare that I am authorized by the relators to, and do hereby waive the personal and physical presence of the relators upon the return of this writ.

R. M. MOORE.

3 (Copy.)

TREASURY DEPARTMENT,
OFFICE OF CHINESE INSPECTOR,
Brooklyn, N. Y., October 13, 1903.

In re Sang Chong, No. 255, ex S. S. "Empress of India," September 23rd, 1903.

The above-named applicant, Sang Chong, whose photograph is attached to the accompanying examination, presented himself in person at the Malone detention house September 23, 1903. At that time he was requested by Chinese Inspector Thomas D'Arcy to make a voluntary statement relative to his right to be admitted to the United States, or to furnish the names of any witnesses by whom he would be able to prove such right, but refused to do either, and upon being further questioned, in order that we might secure data to institute an investigation, refused to answer all questions excepting as to his name and the fact that he sought admission to the United States.

In view of the fact that this applicant is a person of the Chinese race, speaking the Chinese language, and having just arrived from China, having been given an opportunity to establish his right to enter and having refused to avail himself of such right, and as the burden of proof is upon him to establish his right to enter the United States, and having failed to do so, he is denied admission.

F. W. BERKSHIRE,
Officer in Charge.

An order indentical with the foregoing except in name was made in the case of each of the other petitioners.

4 (Endorsed:) Petition. Filed Oct. 23, 1903. Writ allowed ret. Novr. 10, 1903, at Utica. Geo. W. Ray, U. S. J. U. S. circuit court, N. D. of N. Y. Filed Nov. 2, 1903. W. S. Doolittle, clerk.

Writ.

In the name of the President of the United States of America. To Thomas D'Arcy, Chinese inspector, greeting:

We command you that you have the bodies of Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Aang, Ying Foo, Chonh Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Wing Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lim Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing, by you imprisoned and detained, as it is said, in the detention house, so called, at Malone, in said northern district of New York, by whatever names they may be called or charged, before Hon. George W. Ray, judge of the United States district court for the northern district of New York, at his chambers in the United States court-house, in the city of Utica, N. Y., on the 10th day of November, 1903, to do and receive what shall then and there be commanded, and have you then and there this writ.

Witness, the honorable Melville W. Fuller, Chief Justice of the United States, at the city of Utica, New York, this 2d day of November, 1903.

[L. S.] W. S. DOOLITTLE, *Clerk.*

5 The personal appearance of the relators is hereby waived.

R. M. MOORE,
Atty. for Relators.

Allowed October 23, 1903.

GEO. W. RAY,
U. S. Judge.

(Endorsed:) Writ. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

NORTHERN DISTRICT OF NEW YORK,
Oneida County, ss:

Thomas D'Arcy, being duly sworn, deposes and says: That he has read the foregoing return, signed the same, and knows the contents thereof, and that the same is true of his own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

THOMAS D'ARCY.

Subscribed and sworn to before me this 10th day of November, 1903.

C. W. HIGGINSON,
Notary Public, Oneida Co., N. Y.

6 United States District Court, Northern District of New York.

In the matter of the application of Bok Wah, No. 244, and others, for a writ of habeas corpus.

To the Honorable George W. Ray, United States district judge for the northern district of New York.

In obedience to the writ of habeas corpus issued in behalf of the above named Bok Wah, I certify and return:

First. That I am a sworn public officer of the United States of America, to wit, a Chinese inspector and inspector of immigration, appointed by and acting under the direction and authority of the Secretary of Commerce and Labor and the Commissioner-General of Immigration of the United States, having my official station at Malone, Franklin County, New York, in said district, near the border line between the United States and the Dominion of Canada, and as such officer and under such authority, am in charge of the detention quarters at Malone, New York, in which detention quarters all Chinese persons and aliens making application to enter the United States are detained, pending inquiry by the United States officer designated by law
7 for that purpose, as to the right of the said Chinese person or alien to enter said United States.

Second. That before the issuing of the writ herein and on the 23d day of September, 1903, the said above-named Bok Wah made application to the immigration officers of the United States located at Malone, New York, aforesaid, for admission and entry into the United States, he being a Chinese person and having immediately come from the Chinese Empire by the way of Vancouver over the Canadian Pacific Railroad; that such application to enter the United States was made at the border between the United States and the Dominion of Canada, and, for the purpose of convenience pending inquiry, as aforesaid, into his right to be admitted into the United States, he, the said Bok Wah was taken to said detention quarters at Malone, New York, the said Malone, New York, being a port of entry for Chinese immigrants, designated by the Secretary of the Treasury of the United States under an act of Congress; that at the time of the issuance of said writ, said above named Bok Wah was in my custody as such officer of the United States, he having been denied admission into the United States after an examination by the officers designated by law for that purpose, as to his right to enter the United States; and I was holding him for an opportunity to return him to China, when I received notice of this writ.

Third. That the said above-named Bok Wah presented himself in person at the Malone detention house on September 23, 1903, and made application to enter the United States, and that at that time he was given opportunity by F. W. Berkshire, immigration officer in charge of said port of entry, duly appointed as such by the honorable Secre-
8 tary of Commerce and Labor, under and pursuant to an act of Congress entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, which said officer is under the control of the Commissioner-General of Immigration, to make such voluntary statement as he might desire relative to his right to be admitted into the United States, and he was informed that he might pro-

duce any witness by whom he would be able to prove such right, and full opportunity was given to the said Bok Wah to produce any evidence that he had, or might be able to produce, touching on his right to entry into the United States, but the said Bok Wah refused either to answer any questions himself touching on his right to enter the United States or to furnish the name of any witness by whom he might be able to prove such right, nor did he produce any paper or instrument showing his right to enter the United States, nor did he produce any proof, either oral or written, establishing such right. That attached hereto and made a part of this return is a certified copy of the proceedings had on the examination of the said Bok Wah upon his application to enter into the United States.

Fourth. That all the evidence produced by the said Bok Wah was submitted to the said F. W. Berkshire, and after the same was duly considered by the officer aforesaid, it was adjudged by him, on October 13, 1903, that the said applicant was an alien Chinese person, and not entitled to enter or remain in the United States; that attached hereto and made a part of this return is a copy of the written decision of said F. W. Berkshire, denying said Bok Wah the right to enter the United States.

Fifth. That among the rules and regulations promulgated by the Department of Commerce and Labor and the Commissioner-
9 General of Immigration governing the admission of Chinese persons into the United States are the following:

"Immediately upon the arrival of Chinese persons at any port mentioned in Rule 4, it shall be the duty of the officer in charge of the administration of the Chinese exclusion law to adopt suitable means to prevent communications with them by any person other than officials under his control; to have said Chinese persons examined promptly, as by law provided, touching their right to admission, and to permit those proving such right to land" (p. 36) Rule 6.

"The examination prescribed in Rule 6 should be separate and apart from the public, in the presence of Government officials and such witness or witnesses only as the examining officer shall designate, and, if upon the conclusion thereof, the Chinese applicant for admission is adjudged to be inadmissible, he should be advised of his right of appeal and his counsel should be permitted, after duly filing notice of appeal, to examine, but not make copies of the evidence upon which the excluding decision is based. R. 7.

"Every Chinese person refused admission under the provisions of the exclusion law by the decision of the officer in charge at the port of entry must, if he shall elect to take an appeal to the Secretary, give written notice thereof to said officer within two days after such decision is rendered." Rule 8.

"Notice of appeal provided for in Rule 8 shall act as a stay upon the disposal of the Chinese person whose case is thereby affected until a final decision is rendered by the Secretary; and within three days after the filing of such notice, unless further delay is required to investigate
10 and report upon new evidence, the complete record of the case, together with such briefs, affidavits, and statements as are to be considered in connection therewith, shall be forwarded to the Commissioner-General of Immigration by the officer in charge at the port of

arrival, accompanied by his views thereon in writing; but on such appeal no evidence will be considered that has not been made the subject of investigation and report by the said officer in charge." Rule 9.

"The burden of proof in all cases rest upon Chinese persons claiming the right of admission to, or residence within, the United States; to establish such right affirmatively and satisfactorily to the appropriate Government officers; and in no case in which the law prescribes the nature of the evidence to establish such right shall other evidence be accepted in lieu thereof; and in every doubtful case the benefit of the doubt shall be given by administrative officers of the United States Government." Rule 21.

Sixth. That upon information and belief the undersigned denies that the above-named Bok Wah is a citizen of the United States, and alleges that he is an alien and a Chinese laborer not entitled under the immigration laws and the Chinese exclusion law of the United States to be admitted into the United States, and that the holding and detention of the said Chinese person is under and by virtue of the laws and authority of the United States of America.

Seventh. That the undersigned admits that the petitioner, Robert M. Moore, esq., is an attorney and counsellor at law, residing and practicing his profession at Malone, New York, and the undersigned,
11 further answering said petition, denies each and every allegation thereof which is not hereinbefore specifically admitted.

THOMAS D'ARCY,
Chinese Inspector and Inspector of Immigration of the United States.

Attached to the foregoing is an order identical with that in the case of Sang Chong, except as to name.

12 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Bok Wah, Inspector, Thomas D'Arcy.
No. 244. Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Bok Wah.
Q. How old are you?
A. Twenty-one years of age.
Q. Do you wish to make application to enter the U. S.?
A. Yes, sir; come to the U. S.
Q. By what right do you seek admission to the U. S.?
No answer.
Q. You now have the right to make a voluntary statement relative to your right to be and remain in the U. S., and if you will give the names of two witnesses who knows that you have the right, their testimony will be taken, and your application will be carefully considered and promptly acted upon.
No answer.
Q. Are you married?
No answer.
Q. Have you any brothers in this detention house?

No answer.
Q. Have you any brothers or sisters living in the U. S.?
No answer.
Q. Have you any uncles or cousins living in the U. S.?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. What district in China did you come from?
No answer.
Q. What is the name of the steamer that you came over from China on?
No answer.
Q. When did you go back to China?
A. No answer.
Q. Have you ever lived in any other country but China?
No answer.
Q. Did you ever go to school?
No answer.
Q. Do you know of any reason why you should not be returned to China?
No answer.
13 Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

BOK WAH, recalled and examined by Inspector D'Arcy.

Q. Were you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is.
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Bok Wah.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

NORTHERN DISTRICT OF NEW YORK,
Oneida County, ss:

Thomas D'Arcy, being duly sworn, deposes and says: That he has read the foregoing return, signed the same, and knows the contents

thereof, and that the same is true of his own knowledge except as to those matters therein stated to be alleged on information and belief and as to those matters he believes it to be true.

THOMAS D'ARCY.

Subscribed and sworn to before me this 10th day November, 1903.

C. W. HIGGISON,
Notary Public, Oneida Co., N. Y.

14 A return similar to the foregoing was made by Inspector D'Arcy in the case of each petitioner.

MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Quin Lung, No. 280. Class, native. By ss. "Empress of India," Sept. 23, 1903.

Inspector, Thomas D'Arcy.
Interpreter, Quan Foy.
Steno., H. N. Sterling.

Q. What is your name?
A. Quin Lung.
Q. How old are you?
A. No answer (appears about 20).
Q. Do you now make application to come to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the name of two persons who knows you have such a right, they will be interviewed and their testimony taken and your case receive prompt attention.
No answer.
Q. Can you give the name of any person in the U. S. who knows you have the right to be admitted?
No answer.
Q. Have you any brothers living in this detention house?
No answer.
Q. Where is your mother living?
No answer.
Q. Where is your father living?
No answer.
Q. Have you got any friends living anywhere in the U. S.?
No answer.
Q. By what right do you seek admission to the U. S.?
No answer.
Q. Are you married?
No answer.
Q. What is your father's name?
No answer.
Q. Did you ever go to school in China?
No answer.
Q. Have you ever lived in any other country but China?
No answer.
Q. Can you read and write the Chinese language?
No answer.

Q. What is your number in this detention house?
Shows ticket 280.
15 Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

QUIN LUNG recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Quin Lung.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.
(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

16 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Ark On, Inspector, Thomas D'Arcy.
No. 278, Interpreter, Quan Foy.
Class, Native, Steno., H. N. Sterling.
Ex. S. S. "Empress of Ondia," Sept. 23, 1903.

Q. What is your name?
A. Ark On.
Q. How old are you?
No answer. (Appears about 30 or 35.)
Q. Do you know how old you are?
No answer.
Q. Can you understand English?
No.
Q. Can you read and write the Chinese language?
A. No.
Q. What vessel did you come from China on?
No answer.
Q. How long have you lived in China?
No answer.
Q. Do you know any person living in the U. S.?
No answer.
Q. Where was your grandfather born?
No answer.

Q. Have you any brothers with you in the detention house?
No answer.
Q. Do you know any Chinese people in this detention house?
No answer.
Q. Have you any relations living in the U. S.?
No answer.
Q. Why did you come here?
No answer.
Q. Do you want to go to the U. S.?
No answer.
Q. Do you ask permission to go to the U. S.?
No answer.
Q. What is the number of your ticket?
A. 278.
Q. You want to go to the U. S.?
No answer.
Q. Have you any witnesses that you want to testify to the fact that you are entitled to be admitted to the U. S.?
No answer.
Q. If you have any such witnesses the officers will take their testimony when you bring them here.
No answer.

THOMAS D'ARCY,
Immigrant Inspect.
QUAN FOY,
Chinese Interpreter.

17 SEPT. 26, 1903.

ARK ON recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Ark On.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.)

18 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Sing Tuck or King Doo.
No. 235.
Class, native.
Ex S. S. "Empress of India," Sept. 23, 1903.

Inspector, Thomas D'Arcy.
Interpreter, Quan Foy.
Steno., H. N. Sterling.

Q. What is your name?
A. King Doo.

Q. How old are you?
No answer.
Q. Do you now seek admission to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement of the officers relative to your being admitted to the U. S., and if you wish to furnish any references relative to your right to be in the U. S. they will be interviewed, their testimony taken, and your right to be admitted carefully considered and acted upon promptly.
No answer.
Q. Have you any attorney to represent you?
No answer.
Q. Do you wish to give the name of an attorney you want to represent you, and we will notify him?
No answer.
Q. How many years have you lived in China?
No answer.
Q. Have you ever lived in any other country but China?
No answer.
Q. Are you married?
No answer.
Q. Have you any brothers or blood relations in this detention house?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. What district in China did you come from?
No answer.
Q. What is the name of the steamer you came over on from China?
No answer.
Q. What is your number in this detention house?
A. Shows ticket 235.
Q. What floor in the building do you sleep on?
A. Top floor.
Q. Do you wish to make any further statement?
No answer.
19 Q. Do you want to sign this paper?
Witness refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPTEMBER 26, 1903.

KING DOO, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is.
A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of King Doo.")

I hereby certify that the above is a correct copy of the original statement of above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

20 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Boke Kay. Inspector, Thomas D'Arcy.
No. 236. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Boke Kay.
Q. How old are you?
No answer.
Q. Do you seek admission to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you will give us the names of witnesses who knows you have the right to be and remain in the U. S. they will be interviewed, their testimony taken, and your right to be admitted will be carefully considered and promptly acted upon.
No answer.
Q. Are you married?
A. No.
Q. Have you any brothers in this detention house?
No answer.
Q. What is your father's name?
No answer.
Q. From what district in China did you come from?
No answer.
Q. What is the name of the steamer you came over on?
No answer.
Q. Have you ever lived in any other country but China?
No answer.
Q. Have you any blood relations living in the U. S.?
No answer.
Q. What is your number in the detention house?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. By what right do you seek admission to the U. S.?
No answer.
Q. In what district in China were you born?
No answer.

Q. What is your number in this detention house?
A. Shows ticket No. 236.
21 Q. Do you wish to sign this statement?
A. Don't know how to write.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

BOKE KAY, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is.
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Boke Kay.")
I hereby certify that the above is a true copy of the original statement of the above applicant.

THOMAS D'ARCY,
Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

22 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Non Chock, Inspector, Thomas D'Arcy.
No. 237, Interpreter, Quan Foy.
Class, native, Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Mon. Chock.
Q. How old are you?
No answer. (Applicant appears to be about 33 or 34 years of age.)
Q. Do you now make application to enter the U. S.?
A. Yes; born in the U. S.
Q. Why do you want to go the U. S.?
No Answer.
Q. Where do you want to go?
No answer.
Q. What city in the U. S. do you expect to find employment in?
No answer.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you will give the names of two persons who knows you have such a right, they will be interviewed by the officers and their testimony taken, and your application will be carefully considered and promptly acted upon.
No answer.
Q. Do you wish to make a statement?
No answer.
Q. Have you got an attorney to represent you?

No answer.

Q. Do you want to give the name of an attorney to represent you, and will notify him?

No answer.

Q. What is your father's name?

No answer.

Q. What is your mother's name?

A. No answer.

Q. Have you any brothers in this detention house?

No answer.

Q. Have you any blood relations in this detention house?

No answer.

Q. Have you any uncles or cousins in the U. S.?

No answer.

Q. Have you any blood relations in the U. S.?

No answer.

23 Q. What district in China did you come from?

No answer.

Q. How many years have you lived in China?

No answer.

Q. What is the name of the steamer you came over on from China?

No answer.

Q. Have you ever been to school in China?

No answer.

Q. Can you read and write the Chinese language?

No answer.

Q. Will you sign this statement?

Refuses to sign.

Q. Can you write?

No, sir; don't know how to write.

Q. What is your number in this detention house?

A. Shows ticket No. 237.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

MON CHOCK, recalled and examined by Inspector D'Arcy.

Q. Are you the same Chinaman that was examined by me in this office a few days ago?

A. Yes, sir.

Q. I show you a photograph and ask you whose picture it is.

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Mon Chock.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

24 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

One Mon. Inspector, Thomas D'Arcy.
No. 238. Interpreter, Quan Foy.
Class, Native. Steno. H. N. Sterling.
Ex. S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. One Mon.
Q. How old are you?
No answer. (Witness appears to be about 20 years of age.)
Q. Do you now seek admission to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your right to be admitted to the U. S., and if you can furnish the names of two persons who knows you have such a right they will be interviewed and their testimony taken, and your application will be carefully considered and promptly acted upon.
No answer.
Q. Do you wish to give the name of any of your friends, that they can be interviewed relative to your right to be admitted?
No answer.
Q. Have you any brothers in this detention house?
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. How many years have you lived in China?
No answer.
Q. Did you ever go to school?
No answer.
Q. Can you read and write the Chinese language?
A. No, sir.
Q. Are you sure about that?
A. Yes, sir.
Q. Have you any uncles or cousins living in the U. S.?
No answer.
Q. Have you any blood relations living in the U. S.?
No answer.
Q. What is the name of the steamer that you come over from China on?
No answer.
Q. Are you married?
No answer.
Q. What is your father's name?
No answer.
Q. Where does your father live?
No answer.

25 Q. Can you give the name of any person who knows that you have the right to be and remain in the U. S.?
No answer.
Q. Do you know any reason why you should not be sent back to China?
No answer.

Q. Will you sign this statement?
Refuses to sign.
Q. What is your number in this building?
A. Shows ticket No. 238.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

ONE MON, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of One Mon.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

26 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

King Dock. Inspector, Thomas D'Arcy.
No. 239. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. King Dock.
Q. How old are you?
No answer.
Q. Do you seek admission to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your right to be admitted to the U. S., and if you will give us the names of two persons who knows that you have such a right they will be interviewed and their testimony taken and your right to be admitted will be carefully considered and promptly acted upon?
No answer.
Q. Have you got an attorney to represent you?
No answer.
Q. Do you wish to give the name of an attorney you want to represent you and we will notify him?
No answer.
Q. What steamer did you come over from China on?

No answer.
Q. Have you ever lived in any other country but China?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. Have you any brothers in this detention house?
No answer.
Q. Have you any uncles or cousins living in the U. S.?
No answer.
Q. Have you any blood relations living in the U. S.?
No answer.
Q. Can you give the name of any person living in the U. S. who knows you have the right to be and remain in the U. S.?
No answer.
Q. Do you know of any reason why you should not be returned to China?
No answer.
Q. Have you ever been to school.
No answer.
27 Q. Are you married?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. What is your number in this detention house?
A. Shows ticket No. 239.
Q. Do you wish to sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

KING DOCK, recalled and examined by Inspector D'Darcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is.
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of King Dock.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Filed Nov. 19, 1903. W. S. Doolittle, clerk.

28 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Gee Kee. Inspector, Thomas D'Arcy.
No. 243. Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is you name?
A. Gee Kee.
Q. How old are you?
A. 23.
Q. Do you seek admission to the U. S.?
A. Yes, sir; come to the U. S.
Q. You now have the right to make a voluntary statement, and if you give the names of two witnesses who knows you have the right to be in the U. S. their testimony will be taken and your case will be carefully considered and acted upon promptly.
No answer.
Q. Do you wish to give the names of any friends who you want to be interviewed relative to your case?
No answer.
Q. Are you married?
No answer.
Q. Have you any blood relations living in the U. S.?
No answer.
Q. Have you any brothers or sisters living in the U. S.?
No answer.
Q. Have you any cousins or uncles living in the U. S.?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. By what right do you seek admission to the U. S.?
No answer.
Q. Have you ever lived in any other country but China since you were born?
No answer.
Q. Did you go to school in China?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. Who instructed you not to answer those questions?
No answer.
Q. What vessel did you come over on from China?
No answer.
Q. What is your number in this building?
A. Shows ticket No. 243.
29 Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY, *Immigrant Inspector.*
QUAN FOY, *Chinese Interpreter.*

SEPT. 26, 1903.

GEE KEE, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?

A. Yes, sir.

Q. I show you a photograph and ask you whose picture it is?

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the Testimony of Gee Kee.")

I hereby certify that the above is a correct copy of the statement of the above-named applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

30 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Quen Jong, Inspector, Thomas D'Arcy.
No. 245, Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?

A. Quen Jong.

Q. How old are you?

No answer.

Q. Do you now make application to be admitted to the U. S.?

A. Yes, sir.

Q. You now have the right to make a voluntary statement relative to your right to be admitted to the U. S., and if you can give the names of two persons who knows you have such a right they will be interviewed and their testimony taken, and your application will be carefully considered and promptly acted upon.

No answer.

Q. Have you any blood relations living in this detention house?

No answer.

Q. Have you any brothers in this detention house?

No answer.

Q. What district in China did you come from?

No answer.

Q. Have you ever been to school in China?

No answer.

Q. Can you read and write the Chinese language?

No answer.

Q. Can you give the name of any person who knows you have the right to be and remain in the U. S.?

No answer.

Q. Don't you know how old you are?

No answer.

Q. Are you twenty years of age?

No answer.

Q. Are you 15 years of age?
No answer.
Q. Are you 10 years of age?
No answer.
Q. Have you ever lived in any other country but China?
No answer.
Q. Are you married?
No answer.
Q. Have you any blood relations, uncles or cousins living anywhere in the U. S. that you know of?
No answer.

31 Q. What is your number of the ticket in this detention house?
A. Shows ticket No. 245.

Q. Do you wish to sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Inspector.

SEPT. 26, 1903.

QUEN JONG, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined in this office by me a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Quen Jong.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

32 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Quong Sang, Inspector, Thomas D'Arcy.
No. 246, Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Quong Sang.
Q. How old are you?
A. No answer. (Appears to be about 28 years old.)
Q. Do you now make application to be admitted to the United States?
A. Yes, sir.
Q. By what right do you seek admission to the U. S.?
No answer.

Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two witnesses, they will be interviewed and their testimony taken, and your application will be carefully considered and promptly acted upon.

No answer.

Q. Have you any blood relations in this detention house?

No answer.

Q. Have you any uncles in this detention house?

No answer.

Q. Have you got an attorney to look after your case?

No answer.

Q. Do you wish to give the name of an attorney that you would like to look after your case, and we will notify him?

No answer.

Q. Do you wish to give the name of any person who knows that you have the right to be in the U. S.?

No answer.

Q. What district in China did you come from?

No answer.

Q. Have you ever been to school in China?

No answer.

Q. Can you read and write the Chinese language?

No answer.

Q. Are you married?

No answer.

Q. How old are you?

No answer.

Q. Have you any uncles or cousing living in the U. S.?

No answer.

33 Q. What part of the U. S. do you expect to go to when you leave here?

A. N. Y.

Q. Have you any friends in N. Y.?

No answer.

Q. Can you give the name of any person living in New York who knows you have the right to be in the U. S.?

No answer.

Q. What is your number in this detention house?

A. Shows ticket No. 246.

Q. Do you wish to sign this statement?

No answer. Refuses to sign.

THOMAS D'ARCY, *Immigrant Inspector.*
QUAN FOY, *Chinese Interpreter.*

SEPT. 26, 1903.

QUONG SANG recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?

A. Yes, sir.

Q. I show you a photograph and ask you whose picture it is?

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Quong Sang.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

34 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Ying Foo. Inspector, Thomas D'Arcy.
No. 247. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex. S. S. "Empress of China," Sept. 23, 1903.

Q. What is your name?
A. Ying Foo.
Q. How old are you?
A. 21 years old.
Q. Do you now seek admission to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two witnesses that knows you have such a right, they will be interviewed, and their testimony taken, and your application will be carefully considered and promptly acted upon?
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. Have you any uncles or cousins in this detention house?
No answer.
Q. Have you got an attorney to represent you in this matter?
No answer.
Q. Do you wish to give the name of an attorney who you want to represent you and we will notify him?
No answer.
Q. Can you give the name of any person who knows you have the right to be and remain in the U. S.?
No answer.
Q. What district in China did you come from?
No answer.
Q. Have you ever been to school?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. Are you married?
A. No answer.

Q. Have you any brothers, cousins, or uncles living in the U. S.?
A. No answer.
Q. What part of the U. S. do you expect to go when you leave here?
A. No answer.
35 Q. What is your number in this detention house?
A. Shows ticket No. 247.
Q. Do you wish to sign this statement?
A. Refuses to sign.

THOMAS D'ARCY, *Immigrant Inspector.*
QUAN FOY, *Chinese Interpreter.*

SEPT. 26, 1903.

YING FOO, recalled and examined by Inspector D'Arcy:
Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Ying Foo.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.
(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

36 MALONE DETENTION HOUSE, *Sept 23, 1903.*

Chong Yuet. Inspector, Thomas D'Arcy.
No. 248. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex. S. S. "Empress of India," Sept. 23, 1903.
Q. What is your name?
A. Chong Yuet.
Q. How old are you?
A. 25 years of age.
Q. Do you now make application to be admitted to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two persons who knows you have the right to be a' remain in the U. S., they will be interviewed, and their testimony taken, and your application will be carefully considered and promptly acted upon.
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. Have you any uncles or cousins in this detention house?
No answer.
Q. Have you got an attorney to represent you in this matter?
No answer.

Q. Do you wish to give us the name of an attorney who you want to represent you and we will notify him?
No answer.
Q. Did you ever go to school in China?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. Can you give the name of any person who knows you have the right to be and remain in the U. S.?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. Have you any brothers, uncles, or cousins living in the U. S. that you know of?
No answer.
Q. Are you married?
No answer.
Q. What district in China do you come from?
No answer.
37 Q. What is the name of the steamer you came over on?
No answer.
Q. Where do you expect to go if you are not admitted to the U. S?
No answer.
Q. What is your number in this detention house?
A. Shows ticket No. 248.
Q. Do you wish to sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

CHONG YUET, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Chong Yuet.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.
(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903 W. S. Doolittle, clerk.

Hong (Quai) Yong. Inspector, Thomas D'Arcy.
No. 249. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Hong Quai.
Q. How old are you?
A. 23.
Q. You now have the right to make a voluntary statement relative to your being admitted to the United States, and if you can give the names of two persons who knows you have such a right their testimony will be taken and your application will receive prompt attention?
No answer.
Q. Do you now make application to be admitted to the U. S.?
A. Yes, sir.
Q. Do you wish to make a statement?
No answer.
Q. How many years have you lived in China?
A. I couldn't remember.
Q. Have you got a native-born paper with you?
No answer.
Q. Did you have any letters from any of your friends in the U. S. before you left China telling you to come here?
No answer.
Q. Have you any brothers in this detention house?
No answer.
Q. Are you married?
No answer.
Q. What village in China did you live in?
No answer.
Q. Have you any uncles living in the U. S.?
A. I don't know.
Q. Where is your father living?
No answer.
Q. Is he in China or the U. S.?
No answer.
Q. Where do you expect to go when you leave here?
No answer.
Q. What city in the U. S. have you any friends, Boston, New York, Baltimore, Washington, Penn., Rhode Island, Conn.?
A. New York.
Q. What is the name of your friend in New York?
No answer.

39 Q. Do you remember?
No answer.

Q. Do you wish to make any further statement relative to your coming to the U. S.?
No answer.
Q. What is your number in this detention house?

A. Shows ticket 249.
Q. What floor do you live on in the building?
No answer.
Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

HONG QUAI, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Hong Quai.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.
(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

40 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Sing Kee. Inspector, Thomas D'Arcy.
No. 250. Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Sing Kee.
Q. How old are you?
No answer.
Q. Do you now seek admission to the United States?
A. Yes, sir.
Q. You now have the right to make any voluntary statement you may desire, and if you can give us the names of two persons who knows you have the right to be admitted to the United States they will be interviewed and their testimony taken, and your application will be carefully considered and acted upon promptly?
No answer.
A. Have you any blood relations in the detention house?
No answer.
Q. Have you any uncles or cousins in this detention house?
No answer.
Q. Have you an attorney to represent you in this matter?
No answer.

Q. Do you wish to give us the name of an attorney to represent you, and we will notify him?

No answer.

Q. Are you married?

No answer.

Q. Can you give the name of any person who knows you have the right to be and remain in the U. S.?

No answer.

Q. Where do you expect to go when you leave here?

A. New York.

Q. Have you got anybody in N. Y. whose name you can give?

No answer.

Q. Can you read and write the Chinese language?

No answer.

Q. Have you ever lived in any other country but China?

No answer.

Q. Do you know any reason why you should not be returned to China?

No answer.

41 Q. Will you sign this statement?

Refuses to sign.

Q. What is your number in this detention house?

A. Shows ticket No. 250.

THOMAS D'ARCY, *Immigrant Inspector.*
QUAN FOY, *Chinese Interpretor.*

SEPT. 26, 1903.

SING KEE, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?

A. Yes, sir.

Q. I show you a photograph and ask you whose picture it is?

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Sing Kee.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1904. W. S. Doolittle, Clerk.

42 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Hog (Hop) Toy, Inspector, Thomas D'Arcy.
No. 251, Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?

A. Hop Toy.

Q. How old are you?

A. 28.

Q. What steamer did you come over from China on?
A. "Empress of India."
Q. How many days ago since you landed at Van Couver?
No answer.
Q. When did you land in Montreal?
A. Last night.
Q. Do you seek admission to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your right to be and remain in the U. S., and if you can give the names of two persons who knows you have such a right, their statements will be taken and your application will be considered carefully and acted upon promptly.
No answer.
Q. Do you want to give any names?
No answer.
Q. Where do you expect to go when you leave here?
A. N. Y.
Q. Have you any friends in New York?
A. Yes, sir.
Q. What is their names?
No answer.
Q. What district in China did you come from?
No answer.
Q. Have you any blood relations living in the U. S.?
No answer.
Q. Have you any uncles or cousins living in the U. S.?
A. Yes, sir.
Q. Where are they living?
A. N. Y.
Q. What is their business?
A. 22 Mott street; he live there.
Q. What is his name?
A. Ng Hong Foon.
Q. What relation is he to you?
A. Uncle.
Q. When did you last see him?
A. Several years—I couldn't remember how many.
Q. Where did you see him at that time?
A. I saw him in N. Y.
Q. How old were you at that time?
A. No answer.
43 Q. Do you remember?
A. No.
Q. How many years since you have been in New York?
A. I stay there 7 or 8 years.
Q. How many years ago since you went back to China?
A. Over 10 years ago.
Q. Where did you sail from when you went back to China?
A. I couldn't remember.
Q. Who went back to China with you at that time?

A. I couldn't remember.
Q. What is the name of the steamer you went back to China on?
A. I couldn't remember.
Q. What were you working at in New York before you left there?
A. Laundry.
Q. How many years did you work in the laundry?
A. Several years.
Q. Did you deposit any papers in the Custom-House anywhere when you went back to China?
A. No, sir.
Q. Where were you born?
A. N. Y.
Q. What street?
A. 22 Mott street.
Q. Did you ever have a certificate of birth?
A. Yes, sir.
Q. Where is that certificate now?
A. Lost it.
Q. What is your father's name?
A. He is dead now.
Q. Where did he die?
A. China.
Q. How many years ago since he died?
A. Couldn't remember.
Q. Were you in China when he died?
A. Yes, sir.
Q. Then he died within the last ten years?
A. I couldn't remember.
Q. Has your uncle who lives at 22 Mott St., ever been back to China?
A. No, sir.
Q. What district in China did you come from this last time?
A. Don't know.
Q. What did you do during the ten years you were in China?
A. No answer.
Q. When did you first come to the U. S.?
A. I couldn't remember.
Q. Were you back to China before you went back ten years ago?
A. No, sir.
Q. Can you give the name of any other person who knows you were born in N. Y.?
A. No, sir.
Q. Has your uncle, who lives at 22 Mott St., any photograph of you when you were born?
A. No.
44 Q. How many years ago since your uncle last saw you?
A. I told you before.
Q. Was your uncle present when you were born?
A. No, sir.
Q. Was your mother in this country at the time you were born?
A. Yes, sir.

Q. Was your father present at the time you were born?
A. No, he had gone somewhere.
Q. Was he living in N. Y. at that time?
A. Yes, sir.
Q. Can you give the name and address of any laundries you worked in in N. Y., before you went back to China?
A. I couldn't remember.
Q. You remember something about the streets in N. Y., if you were born there and did not leave there until you were 19 years of age, don't you?
A. Don't know.
Q. Can you give me the names of any avenues or streets in N. Y.?
A. No.
Q. Do you know the street it is that runs north and south from Mott street, as you go out on the avenue?
A. I couldn't remember.
Q. Would you know the name if you heard it?
Q. Do you know where Third avenue is in New York?
A. No.
Q. Do yo know where Harlem is in N. Y.?
A. No.
Q. Do you know where Brooklyn is in N. Y.?
A. No.
Q. Do you know where Doyer street is in N. Y.?
A. No.
Q. How many years did you live at 22 Mott street?
A. Forget it.
Q. Were you living there when you went back to China 10 years ago?
A. Yes, sir.
Q. How many years before you went back did you live there, if you remember?
A. I couldn't remember.
Q. Did you ever hear of the Brooklyn Bridge in N. Y.?
A. I can't remember.
Q. Were you ever in Brooklyn?
A. No, sir.
Q. Did you ever ride on the elevated railroad in N. Y.?
A. Yes; but I forget when.
45 Q. What process did you go through to secure a ticket to ride on the elevated railroad?
A. I couldn't remember.
Q. Is there any more that you want to say relative to your case?
A. No, sir.
Q. You don't know the name of any other person you can give who you wished to be interviewed relative to your case?
A. I don't know.
Q. Did you live in a back room at 22 Mott street?
A. Room 4.
Q. What did they keep in the front room of the building and on the ground floor?
A. Chinese lottery company.

Q. What was the name of the man that run it, if you know?
A. I couldn't remember.
Q. How many partners were there in that lottery business, if you remember?
A. I couldn't remember.
Q. What was kept at No. 20 Mott street?
A. Don't know.
Q. What was kept at 24 Mott street, if you remember?
A. I couldn't remember.
Q. Is there any other business conducted in Mott street except those conducted by Chinamen?
A. They may have some; I don't know.
Q. What is your number in this building?
A. 251.
Q. Do you wish to sign this statement?
"Hop Toy" signed by witness in Chinese characters on stenographer's minutes.

SEPT. 26, 1903.

HOP TOY recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1, of the testimony of Hop Toy.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

46 MALONE DETENTION HOUSE, SEPT. 23, 1902.

Due Ark, Inspector, Thomas D'Arcy.
No. 252, Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Due Ark.
Q. How old are you?
No answer.
Q. Do you now seek admission to the United States?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two persons who knows you have such a right they will be interviewed and their testimony taken, and your application will be carefully considered and promptly acted upon.
No answer.

Q. Do you wish to give the names of any persons who knows you have the right to be admitted to the U. S.?
No answer.
Q. What district in China did you come from?
A. Born in the U. S.
Q. In what city in the U. S. were you born?
No answer.
Q. Who knows you were born in the United States?
No answer.
Q. Have you ever lived in any other country but China?
No answer.
Q. Did you ever go to school in China?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. Are you married?
No answer.
Q. Have you any brothers in this detention house?
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. Can you give the names of any persons living in the U. S. who knows you have the right to be here?
No answer.
47 Q. Have you any uncles or cousins living in New York?
No answer.
Q. Where is your father living now, if you know?
A. No answer.
Q. Can you give the name of the person who has written you a letter telling you come to the U. S.?
A. No answer.
Q. Do you know any reason why you should not be returned to China?
No answer.
Q. What is your number in this building?
A. 252.
Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

DUE ARK, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a few days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Due Ark.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

48 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Hong Tai, Inspector, Thomas D'Arcy.
No. 253, Interpreter, Quan Foy.
Class, native, Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Hong Tai.
Q. How old are you?
No answer.
Q. Are you ten years old?
No answer.
Q. Are you 15 years old?
No answer.
Q. Are you five years old?
No answer.
Q. Are you 30 years old?
No answer.
Q. Do you now make application to enter the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give us the name of two witnesses who know you have such a right, their testimony will be taken and your case will be promptly acted upon.
No answer.
Q. Have you any witnesses whom you desire to testify in behalf of your right to be admitted to the U. S.?
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. Have you any brothers in this detention house?
No answer.
Q. Have you any brothers or uncles in the U. S.?
No answer.
Q. Where is your father living?
No answer.
Q. Have you ever been in the U. S.?
No answer.
Q. Are you married?
No answer.
Q. What is your number in this detention house?
Q. What is your number?
Shows ticket No. 253.

Q. Have you attended school?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

49 SEPT. 26, 1903.

HONG TAI, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph, and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Hong Tai.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.
(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

50 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Lum Chong, Inspector, Thomas D'Arcy.
No. 254. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," September 23, 1903.

Q. What is your name?
A. Lum Chong.
Q. How old are you?
A. No answer. (Appears to be about 20.)
Q. Do you now seek admission to the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two persons who know you have such a right, their testimony will be taken, and your application will receive prompt attention.
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. Have you any brothers or uncles or cousins living in the U. S.?
No answer.
Q. Upon what do you base your application to enter the U. S.?
No answer.
Q. Have you ever been to school in China?

No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. Where do you expect to go when you leave here?
No answer.
Q. Have you any friends living in the United States?
No answer.
Q. Are you married?
No answer.
Q. Have you got an attorney to represent you in this matter?
No answer.
Q. Do you wish to give the name of an attorney who you want to represent you, and we will notify him?
No answer.
Q. What is the name of the steamer you came over from China on?
No answer.
Q. What is your number in this detention house?
A. Shows ticket No. 254.
51 Q. Can you write?
A. No answer.
Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1904.

LUM CHONG, recalled and examined by Inspector D'Arcy:

Q. Are you the some Chinaman that was examined in this office by me a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Lum Chong.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

52 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Sang Chong, Inspector, Thomas D'Arcy.
No. 255. Interpreter, Quan Foy.
Class, Native. Steno., H. M. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Sang Chong.
Q. H'old are you?

A. No answer. (Appears about 25.)
Q. Do you now seek admission to the United States?
A. Yes, sir.
Q. Upon what do you base your right to be admitted to the U. S.?
No answer.
Q. You now have the right to make a voluntary statement relative to your right to be admitted to the United States, and if you can give the names of two persons who know you have such a right, their testimony will be taken, and your case will receive prompt attention of the officers.
No answer.
Q. Do you wish to make a statement relative to your being admitted to U. S.?
No answer.
Q. Have you got an attorney to represent you in this matter?
No answer.
Q. Do you wish to give the name of an attorney who you wish to represent you and we will notify him?
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. Have you any brothers, uncles, or cousins living in the U. S.?
No answer.
Q. Have you ever been to school?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. What is your father's name?
A. No answer.
Q. What is your mother's name?
No answer.
Q. Do you know any persons in the world?
No answer.
Q. Where do you expect to go when you leave here?
No answer.
Q. Are you married?
No answer.
53 Q. Have you any brothers or sisters living in China or the U. S.?
No answer.
Q. What is your number in the detention house?
A. Shows ticket No. 235.
Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY, *Chinese Inspector.*
QUAN FOY, *Chinese Interpreter.*

SEPT. 26, 1903.

SANG CHONG, recalled and examined by Inspector D'Arcy.
Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph, and ask whose picture it is?

A. It is mine.

(Photograph introduced in evidence and marked "Ex. 1 of the testimony of Sang Chong.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector, in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

54 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Wing Chuey, Inspector, Thomas D'Arcy.
No. 256. Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex. S. S. "Empress of India," Sept. 23, 1903

Q. What is your name?
A. Wing Chuey.
Q. Do you now make application to come to the U. S.?
A. Yes, sir.
Q. How old are you?
A. 28.
Q. You now have the right to make a voluntary statement relative to your right to be admitted to the U. S., and if you can give the names of two persons who know you have such a right, their testimony will by taken and your case will receive prompt attention of the officer?
No answer.
Q. What is your father's name?
No answer.
Q. Where does your father live?
No answer.
Q. Do you know whether or not he is living in China?
No answer.
Q. Do you know whether or not he is living in the U. S.?
No answer.
Q. Can you give the name of any person in the U. S. who knows that you have the right to be admitted?
No answer.
Q. Have you any brothers in this detention house?
No answer.
Q. Do you know whether you have any brothers in this building or not?
No answer.
Q. Have you any brothers living in China?
No answer.
Q. Do you live all alone in China?
No answer.
Q. What steamer did you come over from China on?
No answer.
Q. When did you come to this detension house?
No answer.

Q. By what right do you seek admission to the U. S.?
No answer.
Q. Have you ever lived in any other country but China?
No answer.
55 Q. Do you know any reason why you should not be returned to China?
No answer.
Q. Are you married?
No answer.
Q. What is your number in this detention house?
A. Shows ticket No. 256.
Witness refused to sign this statement.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPTEMBER 26, 1903.

WING CHUEY, recalled and examined by Inspector D'Arcy:
Q. Are you the same Chinaman that was examined by me in this detention house a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Wing Chuey.")
I certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Orig. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

56 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Ham Sang, Inspector, Thomas D'Arcy.
No. 257, Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S.S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Hong Sang.
Q. Do you now make application to enter the United States?
A. Yes, sir.
Q. How old are you?
No answer.
Q. When did you return to China last?
No answer.
Q. Did you come from China here?
No answer.
Q. Upon what ground do you base your right to enter the U. S?
No answer.

Q. Have you any witness that you want to testify in your favor on the question of your right to enter the U. S.?

No answer.

Q. Why did you refuse to answer the questions that are being put to you?

No answer.

Q. What steamer did you come over from China on?

A. "Empress of India."

Q. Did you have any brothers come over on that steamer with you?

No answer.

Q. How old were you when you left this country to go to China?

A. Don't know how old I am when I left.

Q. Do you remember leaving?

No answer.

Q. Who told you you left this country and went to China?

No answer.

Q. What was your father's name?

No answer.

Q. Have you any uncles or cousins living in the U. S.?

No answer.

Q. How old are you?

No answer.

Q. Are you fifteen years old?

No answer. (Witness appears to be about 22.)

Q. Where do you expect to go when you leave here?

No answer.

Q. Do you expect to go back to Montreal?

A. United States.

Q. What city in the United States?

No answer.

57 Q. Have you any letter or paper on your person showing you have the right to be in the U. S.?

No answer.

Q. Can you read and write the Chinese language?

No answer.

Q. Do you wish to sign this statement?

No answer.

Q. What is your number in this detention house?

A. Shows ticket No. 257.

THOMAS D'ARCY,
Immigrant Inspector.

QUAN FOY,
Chinese Interpreter.

SEPTEMBER 26, 1903.

HAM SANG recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?

A. Yes, sir.

Q. I show you a photograph, and ask you whose picture it is?

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Ham Sang.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

58 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

That (Shet) Shong. Inspector, Thomas D'Arcy.
No. 258. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. That Shong.
Q. How old are you?
A. Shakes his head "no." (Appears about 18.)
Q. Do you now make application to come to the U. S.?
No answer.
Q. Do you want to go back to China?
A. Shakes his head "no."
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two persons who knows you have such a right, their testimony will be taken, and your case will be carefully considered and promptly acted upon.
Q. Do you wish to give the names of any witnesses who you want to be examined relative to your being admitted to the U. S.?
No answer.
Q. Do you know any person in the U. S.?
No answer.
Q. Have you an attorney to represent you?
No answer.
Q. Do you wish to give the name of an attorney to represent you and we will notify him?
No answer.
Q. Have you any brothers in this detention house?
No answer.
Q. By what right do you seek admission to the U. S.?
No answer.
Q. Can you give the name of any country but China that you have ever lived in?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. What kind of work did you do when you were in China?
No answer.
Q. From what district in China did you come from?
No answer.
59 Q. What is the name of the village in China you lived in?
No answer.

Q. Do you know any reason why you should not be returned to China?
No answer.
Q. What is your number in this detention house?
A. Shows ticket No. 258.
Q. Will you sign this statement?
A. Shakes head "no."

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

THAT SHONG recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I will show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of That Shong."
I hereby certify that the above is a correct copy of the original statement of the above applicant.
(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

60 MALONE DETENTION HOUSE, *Sept. 24, 1903.*
Do Lin. Inspector, Thomas D'Arcy.
No. 259. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Do Lin.
Q. How old are you?
No answer. (Appears about 26 years old.)
Q. Do you now make application to enter the U. S.?
A. Yes, sir.
Q. You now have the right to make a voluntary statement relative to your right to be admitted to the U. S., and if you can give the names of two persons who knows you have such a right their testimony will be taken and your case will receive prompt attention.
No answer.
Q. Do you wish to give the names of any witnesses you want to be interviewed relative to your right to be in the U. S.?
No answer.
Q. When did you receive the scar on your nose?
No answer.
Q. How many years ago?
No answer.

Q. Has that mark always been there?
No answer.
Q. By what right do you seek admission to the U. S.?
No answer.
Q. Are you married?
No answer.
Q. Have you got any brothers in this detention house?
No answer.
Q. What was the name of the steamer you came over from China on?
No answer.
Q. When did you arrive at this detention house?
No answer.
Q. What floor in the building are you sleeping on?
No answer.
Q. Can you give the name of any person in the U. S.?
No answer.
Q. What is your number in this detention house?
A. Shows ticket No. 259.
61 Q. Do you wish to sign this statement?
Refuses to sign.

THOMAS D'ARCY, *Immigrant Inspector.*
QUAN FOY, *Chinese Interpreter.*

SEPT. 26, 1903.

DO LIN, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph, and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Do Lin.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

62 MALONE DETENTION HOUSE, *Sept. 23, 1903.*

Jane (Lop) Lys. Inspector, Thomas D'Arcy.
No. 260. Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Jane Lop.
Q. Can you write it?
A. No.
Q. Do you understand English a little bit?

A. No, sir.
Q. How many years ago since you were in this country before?
A. I couldn't remember.
Q. How old were you when you left this country to go to China?
A. Don't know.
Q. Were you two years old?
A. Don't know.
Q. Do you remember when you left this country to go to China?
A. Don't know.
Q. Were you ever in this country before?
A. Born in the U. S.
Q. In what city were you born in the U. S.
A. *Couldn't remember.*
Q. Do you remember whether it was N. Y. or San Francisco, California?
A. Don't know.
Q. You now have the right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two persons who knows you have such a right to be in the U. S. their testimony will be taken and your case will receive prompt attention?
No answer.
Q. Do you now make application to enter the United States?
A. Yes, sir.
Q. How old are you?
A. 23. (Witness appears to be 35.)
Q. Don't you think you look a little older than 23?
A. Yes, I grows older.
Q. How do you account for your looking older than 23; have you been sick?
No answer.
63 Q. What kind of work did you do in China?
No answer.
Q. What do you expect to work at in the U. S.?
No answer.
Q. Are you a cook?
No answer.
Q. Are you married?
A. Yes, sir.
Q. Have you any children?
No answer.
Q. How long have you been married?
A. When I went to China I marry.
Q. How many years have you been married?
A. One year.
Q. Then you went to China one year ago?
A. Don't know.
Q. Did you work in the U. S. before you went back to China?
A. Couldn't remember.
Q. You must know how old you were when you got married?
A. 22.
Q. Were you 22 years old when you got married?

A. Yes, sir.
Q. How long after you reached China did you get married?
A. Couldn't remember.
Q. What did you work at in the U. S. before you went to China?
A. I couldn't remember.
Q. Do you remember what city in the U. S. you worked in?
A. Couldn't remember.
Q. How do you expect to establish your right to be admitted and remain in the U. S.?
A. I have native-born papers.
Q. Where are they?
A. U. S.
Q. Where in the U. S. can the officers find them?
A. N. Y.
Q. What is the name of the person who has them, your native-born papers, now?
A. Couldn't remember.
Q. Who gave them to the party who has your native-born papers?
A. I don't remember.
Q. You must remember who has your paper, if you were 22 years old when you left the U. S. to go to China?
A. When I went to China I was so young, I couldn't remember.
64 Q. Did I understand you to say you were 22 years old when you went back to China?
A. I did not say.
Q. Were you married when you were 22?
A. Yes, sir.
Q. How old were you when you went to China?
A. Don't remember.
Q. Do you remember your going?
A. Yes, sir.
Q. How old were you when you went to China?
A. Don't remember.
Q. Do you remember your going?
A. Don't remember.
Q. You must have been a small child?
A. Don't remember.
Q. Who went with you?
A. Don't remember.
Q. Did your mother go with you?
A. Don't remember.
Q. Is your mother living now?
A. Don't remember.
Q. Didn't you see your mother just before you left China?
A. Couldn't remember.
Q. Did you have a letter from this country before you left telling you to come?
A. Couldn't remember.
Q. Where did you get the money to pay your fare to come to the United States this time?
A. Couldn't remember.

Q. How much money did it cost you to come here?
A. I don't remember.
Q. You understand a little English?
A. Don't know.
Q. Can you give the names of any Chinese persons or others living in the U. S. who knows you were born in the U. S., and when you went back to China?
A. Couldn't remember.
Q. You must have some friends in N. Y. City?
A. Couldn't remember.
Q. Did you ever have a letter from any of your friends in the U. S., while you were in China?
A. Couldn't remember.
65 Q. Did you ever see any uncles or cousins or brothers back in China since you have been there?
A. Couldn't remember.
Q. If there were any of your uncles or cousins over there during the last 15 years would you be apt to remember it?
A. Couldn't remember.
Q. Do you remember ever seeing any blood relations who went from the U. S. to China?
A. Couldn't remember.
Q. Have you any brothers in this building?
A. Couldn't remember.
Q. Do you know whether you have any brother upstairs or not?
A. No.
Q. Have you any brothers up there?
A. No.
Q. If you had a brother up there you would be apt to know it?
A. Don't know.
Q. How many brothers did you have living with you in China?
A. I am alone.
Q. Did you live all alone in your house in China?
A. Yes, sir.
Q. Then, as far as you know, you haven't any brothers?
A. No, sir.
Q. Nor any sisters?
A. No.
Q. Is your mother living?
A. Don't know.
Q. Do you know whether your father is living or not?
A. Couldn't remember.
Q. If your father is living now, how many years is it since you saw him?
A. Couldn't remember.
Q. Have you seen him since you have been home in China?
A. Shakes his head "No."
Q. Is there any statement you wish to make relative to your being admitted to the U. S.?
A. No.
Q. Do you think you have said everything that is of interest to the officers in determining your right to be in the U. S.?

A. Born in the U. S. I don't know nothing else.
Q. Who told you you were born in the U. S.?
A. I know, because I was born in the U. S.
66 Q. If you know you were born in the U. S., you must know how old you were when you went back to China?
A. Couldn't remember.
Q. How can you remember you were born in the U. S.?
A. Couldn't remember.
Q. Have you had a letter from your father in this country telling you to come?
A. Couldn't remember.
Q. Do you expect to write any letters to your friends in N. Y. while you are here?
A. No, sir.
Q. Do you expect to receive any?
A. Don't know.
Q. As far as you know, have you any blood relations, uncles or cousins, living in the U. S.?
A. My father is in the U. S.
Q. What city in the U. S.?
A. Couldn't remember.
Q. Do you think he is in New York?
A. Don't know.
Q. Have you had a letter from him since you have been in China?
A. No.
Q. Do you remember seeing your father since you have been back to China?
A. Couldn't remember.
Q. How old are you?
A. 23.
Q. You have lived in China for 15 or 16 years?
A. Couldn't remember.
Q. You went back to China when you were a small boy?
A. Yes, sir.
Q. What is your number?
A. 260.

Witness signed his name in Chinese characters to stenographer's minutes.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

67 SEPT. 25, 1903.

JANE LOP, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined in this office by me a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Jane Lop)."

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

68 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Mon (Gee) Che. Inspector, Thomas D'Arcy.
No. 263. Interpreter, Quan Foy.
Class Native. Steno., H. N. Sterling.
Ex. S. S. "Empress of India." Sept. 23, 1903.

Q. What is your name?
A. Mon Gee.
Q. How old are you?
A. No answer (appears about 21).
Q. Do you seek admission to the U. S.?
A. Yes, sir.
Q. You now have a right to make a voluntary statement relative to your being admitted to the U. S., and if you can give the names of two persons who know you have the right to be admitted to the U. S., their testimony will be taken and your application will receive prompt attention.
No answer.
Q. Do you wish to give the names of any persons who know you have the right to be in the U. S.?
No answer.
Q. What city do you expect to go to when you leave here?
No answer.
Q. Boston, New York, Philadelphia, Washington, Baltimore?
No answer.
Q. Where do you expect to go?
A. U. S.
Q. Do you know any person that is living in the U. S.?
No answer.
Q. Did you ever go to school in China?
No answer.
Q. How old are you?
No answer.
Q. Who told you not to answer the questions?
No answer.
Q. Are you married?
No answer.
Q. Have you any brothers or uncles of blood relations living in the U. S.?
No answer.
Q. Can you name any country except China that you ever lived in?
No answer.

Q. Can you read and write the Chinese language?
No answer.
Q. What is your number in this detention house?
A. Shows ticket No. 263.
69 Q. Is that all you want to say relative to your application?
No answer.
A. Do you know any reason why you should not be returned to China?
No answer.
Q. Will you sign this statement?
Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

MON GEE, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Mon Gee.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

70 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Fong Ying. Inspector, Thomas D'Arcy.
No. 272. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Fong Ying.
Q. How old are you?
No answer. (Appears to be about 32.)
Q. Do you seek admission to the U. S.?
A. Yes, sir.
Q. Upon what ground do you base your right to be admitted?
No answer.
Q. You now have the right to make a voluntary statement relative to your right to be admitted to the U. S., and if you can give the names of two persons who know you have such a right, their testimony will be taken, and your application will receive prompt attention.
No answer.

Q. In what district did you live in China?
No answer.
Q. Where do you expect to go when you leave here?
No answer.
Q. Have you any blood relations in this detention house?
No answer.
Q. Have you any brothers or uncles or cousins living in the U. S.?
No answer.
Q. What is the name of the steamer you came over from China on?
No answer.
Q. Did you ever go to school?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. What is your father's name?
No answer.
Q. What is your mother's name?
No answer.
Q. Do you wish to make any statement relative to your being admitted to the U. S.?
No answer.
Q. Have you got an attorney to represent you in this matter?
No answer.
Q. Do you wish to give the name of any attorney who you want to represent you and we will notify him?
No answer.
71 Q. What is your number in this detention house?
A. Shows ticket No. 272.
Q. Will you sign this statement?
A. Refuse to sign.

THOAMS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

FONG YING, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask you whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Fong Ying.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.

THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

72 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Sing Hoy. Inspector, Thomas D'Arcy.
Class, Native. Interpreter, Quan Foy.
No. 279. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Sing Hoy.
Q. How old are you?
No answer. (Appears about 23.)
Q. By what right do you seek admission to the U. S.?
A. Born in the United States.
Q. How old are you?
No answer.
Q. Have you any brothers in the detention house?
No answer.
Q. What city in the U. S. were you born in?
A. U. S.
Q. Do you know the name of the State you were born in?
No answer.
Q. Can you give the names of any persons besides yourself who knows you were born in the U. S.?
No answer.
Q. Have you any uncles or blood relations living in the U. S.?
No answer.
Q. You now have the right to make a voluntary statement, and if you can give the names of two persons who knows you have the right to be admitted and remain in the U. S., their testimony will be taken and your case will receive the prompt attention of the officers.
No answer.
Q. Are you married?
No answer.
Q. Have you any brothers living in this detention house?
No answer.
Q. Did you attend school in China?
No answer.
Q. Can you read and write the Chinese language?
No answer.
Q. Have you received any letters in China from any of your friends in this country, telling you to come?
No answer.

73 Q. What is your number in this detention house?
A. Shows ticket No. 279.

Refuses to sign statement.

THOMAS D'ARCY, *Immigrant Inspector.*
QUAN FOY, *Chinese Interpreter.*

SEPT. 26, 1903.

SING HOY recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?

A. Yes, sir.

Q. I show you a photograph, and ask you whose picture it is?

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Sing Hoy.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

74 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Lum Quong, Inspector, Thomas D'Arcy.
No. 281. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.

Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?

A. Lum Quong.

Q. How old are you, Lum?

No answer. (Appears about 17.)

Q. Where did you come from, China?

No answer.

Q. Where are you going to?

A. U. S.

Q. Who told you you were going to the U. S.?

No answer.

Q. What are you going to the United States for?

No answer.

Q. Do you want to be admitted to the U. S.?

No answer.

Q. What reason can you give why you should be admitted to the U. S.?

No answer.

Q. Have you any friends in the U. S.?

No answer.

Q. Have you any Chinese that you want to testify in your favor showing your right to be admitted to the U. S.?

No answer.

Q. Have you any relatives in this detention?

No answer.

Q. Where is your father living?

No answer.

Q. Have you any brothers?

No answer.

Q. Where did you live in China?

No answer.

Q. On what vessel did you come over?

No answer.

Q. If you have any friends or witnesses that you want to testify in your favor, showing you have the right to be admitted to the U. S., we will see them any time you may bring them.

No answer.

Q. You have a right to make a statement and tell your reasons why you are entitled to enter the U. S., if you care to do so.

No answer.

75 Q. What is the number of your ticket?

A. Shows ticket No. 281.

Q. Can you write your name?

No answer.

THOMAS D'ARCY, *Immigrant Inspector.*
QUAN FOY, *Chinese Inspector.*

SEPTEMBER 26, 1903.

LUM QUONG, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?

A. Yes, sir.

Q. I show you a photograph and ask you whose picture it is?

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Lum Quong.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

76 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Lin Mow, Inspector, Thomas D'Arcy.
No. 282, Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?

A. Lin Mow.

Q. Whose son are you?

No answer.

Q. Where did you come from?

No answer.

Q. Do you come from China?

No answer.

Q. What boat did you come over on?

No answer.

Q. Do you understand what we are saying to you?

No answer.
Q. How old are you?
No answer. (Appears about 22.)
Q. Where are you going?
A. U. S.
Q. Why are you going there?
No answer.
Q. Have you got a brother living there?
No answer.
Q. Where does your father live?
No answer.
Q. Can you give us any reason why you should not be admitted to the U. S.?
No answer.
Q. Have you any friends that you want to testify in your favor of your right to be admitted to the U. S.?
No answer.
Q. Have you any friends in the U. S.?
No answer.
Q. Do you know anybody living in the U. S.?
No answer.
Q. How much did it cost you to come here from China?
No answer.
Q. Who told you not to say anything when you were brought before the officers?
No answer.
Q. Did somebody on the vessel that brought you over tell you not to talk?
No answer.
Q. Do you want to make any statement as to why you should be admitted to the U. S.?
No answer.
Q. If you have any witnesses to testify in your favor, or any other testimony, the officers will see them at any time.
A. No answer.
Q. What is the number of your ticket in this detention house?
A. Shows ticket 282.
77 Q. Can you read Chinese?
No answer.
Q. You just read the correct number on your ticket in Chinese?
No answer.
Q. You can read and write Chinese, can't you?
No answer.
Q. Will you sign this statement?
No answer.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

LIN MOW, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?

A. Yes, sir.

Q. I show you a photograph and ask you whose picture that is?

A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Lin Mow.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

78 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Bow Lung, Inspector, Thomas D'Arcy.
No. 283, Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Bow Lung.
Q. Have you just come from China?
No Answer.
Q. Have you any brothers with you in the detention house?
No answer.
Q. Where are you going?
No answer.
Q. Where does your father live?
No answer.
Q. In what village in China does he live?
No answer.
Q. How old are you?
No answer. (Appears about 22.)
Q. Can you read and write the Chinese language?
No answer.
Q. Does you' eyes hurt you?
No answer.
Q. Where do you want to go?
No answer.
Q. Where would you go if we let you out of the building?
No answer.
Q. Would you go back to China?
No answer.
Q. Do you want to go to Cuba?
No answer.
Q. For what purpose did you come here?
No answer.
Q. Where was your grandfather born?
No answer.

Q. Where was your great-grandfather born?
No answer.
Q. Where was your son born?
No answer.
Q. You want to go to the United States, don't you?
No answer.
Q. Do you understand what we are saying to you?
No answer.
Q. What is the number of your ticket?
A. 283.
Q. Do you want to go to supper?
No answer.
Q. Do you know any Chinese persons living in the U. S.?
No answer.
Q. Won't you tell us where you want to go?
No answer.
79 Q. Have you got a railroad ticket?
No answer.
Q. If you don't tell us where you want to go we won't know where to send you?
No answer.
Q. Do you want to go back to China?
No answer.
Q. Do you want to go to the U. S.?
No answer.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

BOW LUNG, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes.
Q. I show you a photograph and ask you whose it is?
A. It is mine.
(Photographs introduced in evidence and marked "Exhibit No. 1 of the testimony of Bow Lung.")
I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

80 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Gong Sing. Inspector, Thomas D'Arcy.
No. 284. Interpreter, Quan Foy.
Class, Native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sept. 23, 1903.

Q. What is your name?
A. Gong Sin.
Q. Where did you come from?
A. U. S.
Q. I mean, where did you come from when you came here?
No answer.
Q. Did you come from China here?
No answer.
Q. Did you come here with the rest of the Chinese two days ago from Montreal?
No answer.
Q. Where is your father living?
No answer.
Q. Is your father living?
No answer.
Q. Have you any brothers?
No answer.
Q. Have you any brothers in the detention house here with you?
No answer.
Q. For what purpose did you come here?
A. Born in the U. S.
Q. For what purpose did you come here?
A. Born in the U. S., now I come back.
Q. When did you leave the U. S.?
No answer.
Q. Have you got any papers?
No answer.
Q. You now want to be admitted, do you?
No answer.
Q. What reason can you give why you should be admitted?
No answer.
Q. Did you understand what we are saying to you?
No answer.
Q. Who told you not to talk?
No answer.
Q. When did you leave China last?
No answer.
Q. You came from China on the "Empress of India," didn't you?
No answer.
Q. Where did you sail from; Hong Kong?
No answer.
Q. Do you know anybody living in the United States?
No answer.
Q. When did your father leave the U. S.?
No answer.

81 Q. Where does your mother live now?
No answer.
Q. Does your mother live in the United States?
No answer.
Q. What do you intend to do if you are admitted?
No answer.
Q. What is your number?
A. 284.
Q. Will you sign this statement?
A. Refuses to sign.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 25, 1903.

GONG SIN recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph, and ask whose picture it is?
A. It is mine.
(Photograph introduced in evidence and marked "Exhibit #1 of the testimony of Gong Sin.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.
(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

82 MALONE DETENTION HOUSE, *Sept. 24, 1903.*

Ark Len Wing, Inspector Thomas D'Arcy.
No. 285. Interpreter, Quan Foy.
Class, native. Steno., H. N. Sterling.
Ex S. S. "Empress of India," Sep. 23, 1903.

Q. What is your name?
A. Ark Wing.
Q. Where did you come from?
No answer.
Q. Is your home in China?
No answer.
Q. Where is your mother?
No answer.
Q. Where is your home if it is not in China?
No answer.
Q. Where do you live when you are at home?
No answer.
Q. How old are you?

No answer. (Appears about 40.)
Q. Did you come from China here?
No answer.
Q. What vessel did you come from China on?
No answer.
Q. Where are you going?
No answer.
Q. Where do you want to go?
No answer.
Q. Did you come here for the purpose of entering the U. S.?
A. Yes; United States.
Q. What reason can you give for permitting you to enter the U. S.?
No answer.
Q. Do you know any Chinese living in the United States?
No answer.
Q. Have you any brothers with you in the detention house?
No answer.
Q. Is your father living?
No answer.
Q. Where does he live, if living?
No answer.
Q. Have you any friends or witnesses that you wish to testify in your behalf showing your right to enter the U. S.?
No answer.
Q. If you have any such witnesses we ask you to bring them here in order that they may testify in your behalf.
No answer.
Q. Until you give some reason why you should be admitted to the U. S. the officers are not permitted to admit you.
No answer.
83 Q. Do you care to say anything as to whether the officers should admit you?
No answer.
Q. Do you understand what we are saying to you?
No answer.
Q. What is the number of your ticket?
A. Shows ticket No. 285.

THOMAS D'ARCY,
Immigrant Inspector.
QUAN FOY,
Chinese Interpreter.

SEPT. 26, 1903.

ARK WING, recalled and examined by Inspector D'Arcy:

Q. Are you the same Chinaman that was examined by me in this office a couple of days ago?
A. Yes, sir.
Q. I show you a photograph and ask whose picture it is?
A. It is mine.

(Photograph introduced in evidence and marked "Exhibit No. 1 of the testimony of Ark Wing.")

I hereby certify that the above is a correct copy of the original statement of the above applicant.

(Signed) THOMAS D'ARCY,
Chinese Inspector in Charge.

(Endorsed:) Return of Thomas D'Arcy. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

84 *Motion to dismiss writ of habeas corpus.*

United States circuit court, northern district of New York.

In the matter of the application of Sing Tuck or King Do et al. for a writ of habeas corpus.

I, George B. Curtiss, United States district attorney for the northern district of New York, appearing for the United States, intervening herein, and for Thomas D'Arcy, Chinese inspector herein on behalf of the United States and said Thomas D'Arcy upon the petition and return herein, move that the writs of habeas corpus herein be dismissed on the following grounds:

First. This court has no jurisdiction to review the determination of the immigration officers of the United States in denying to the petitioners herein the right to enter the United States.

Second. That the determination of the immigration officers on the question of the right of the petitioners to enter the United States is final and conclusive, no appeal having been taken therefrom to the Secretary of Commerce and Labor.

Third. That it is not established by the petition and return that the petitioners or any of them have lawful right to enter the United States.

85 Fourth. That the facts set forth in the petition and return show that the petitioners have no legal right to enter the United States.

Fifth. That the petitioners are not unlawfully detained or deprived of their liberty.

Dated Nov. 10, 1903.

GEO. B. CURTISS,
U. S. Dist. Atty., N. D. N. Y.

(Endorsed:) Motion to dismiss writ of habeas corpus. Filed Nov. 10, 1903. W. S. Doolittle, clerk.

Stipulation.

United States circuit court, northern district of New York.

In the matter of the application of Sing Tuck or King Do et al. for a writ of habeas corpus.

It is hereby stipulated and conceded by R. M. Moore, attorney for the petitioners, that immediately upon the decision of the Chinese inspectors and immigration officers of the United States of America, denying to

the several petitioners herein the right to enter the United States, that each of the several petitioners named herein were, by such officers,
86 informed of such decision, and also duly informed of their right to take an appeal from such decision to the Secretary of Commerce and Labor of the United States of America.

It is also agreed that this stipulation may be attached to the returns herein and be deemed to apply to each of the returns to the petition herein.

Made and entered into in open court at a term of the United States circuit court held at Utica, November 10, 1903, upon the returns being made to the writ herein.

GEO. B. CURTIS,
U. S. District Attorney for the Northern District of New York, representing the United States, and Thomas D'Arcy, to whom said writ was directed.

R. M. MOORE,
Attorney for the petitioners herein.

(Endorsed:) Stipulation. Filed Nov. 10, 1903. Geo. W. Ray, U. S. judge. Filed Dec. 5, 1903. W. S. Doolittle, clerk.

87 *Opinion.*

United States circuit court, northern district of New York.

In the matter of Sing Tuck or King Do and thirty-one others.
R. M. Moore for petitioners.
George B. Curtiss, U. S. attorney, opposed.
Ray, district judge:

The petitioners, Chinese persons, thirty-two in number, apply for discharge from custody in the detention house at Malone, N. Y., on habeas corpus, alleging that they are citizens of the United States, illegally restrained of their liberty and illegally detained by Thomas D'Arcy, Chinese inspector of the United States of America, at Malone, N. Y., in what is known as "The detention house." The petition for the writ is made by the attorney for the petitioners on information and belief.

It is admitted that the petitioners are Chinese persons; that they came from China and applied for admission into the United States at the port of Malone, N. Y., and were denied admission by the executive officers of the Government of the United States duly authorized to act and acting under and by virtue of the Chinese exclusion laws, on the ground that they are citizens of China and not of the United States, and not shown to be within the classes entitled to admission. The peti-
88 tioners were duly notified of their right to appeal from the decision refusing them admission to the Secretary of Commerce and Labor of the United States. The petitioners have taken no appeal, but swear out a writ of habeas corpus in this court, alleging that they were born in the United States under circumstances making them citizens of the United States, and that as such they have the right to have that fact tried and determined in the courts of the United States and by the judicial department of the Government, and that this question of citizenship can not be determined by the executive officers of the Government, at least, so

as to bind them and deprive them of their right to appeal to the courts for a due trial and determination of that question of fact; that "due process of law" guarantees them this right.

When they applied for admission twenty-six of the petitioners stated that they were Chinese persons and made application for entry, but refused to answer any other questions touching their right to enter. The other petitioners, six in number, stated that they were Chinese persons, applied for entry into the United States, and also stated that they were born within the United States, and refused to answer any further questions. No one of the petitioners offered to show citizenship, or to comply with the law relating to the entrance of Chinese persons into the United States.

The return to the writ shows the above facts, but denies that the petitioners are citizens of the United States or were born therein, and alleges in effect that the determination of the immigration officers and Chinese inspectors, not appealed from, is final and conclusive on the question of citizenship, as well as all others involved, and that that question was necessarily involved and adjudicated in the determination made.

On the return of the proceedings under the writ, the United States district attorney for the northern district of New York, intervening in
89 behalf of the United States, and appearing in behalf of said Chinese inspector, to whom the writ was directed, moved that the writ be dismissed and the petitioners remanded on the following grounds:

"First. This court has no jurisdiction to review the determination of the immigration officers of the United States in denying to the petitioners herein the right to enter the United States."

"Second. That the determination of the immigration officers on the question of the right of the petitioners to enter the United States is final and conclusive, no appeal having been taken therefrom to the Secretary of Commerce and Labor."

"Third. That it is not established by the petition and return that the petitioners or any of them have a lawful right to enter the United States."

"Fourth. That the facts set forth in the petition and return show that the petitioners have no legal right to enter the United State."

"Fifth. That the petitioners are not unlawfully detained or deprived of their liberty."

This court will take testimony and determine the question of citizenship unless the decision of the inspector acting under the Commissioner-General of Immigration and the Secretary of Commerce and Labor, not appealed from, is final and conclusive, res adjudicata on the question of the citizenship of the petitioners, provided that question has been properly raised and presented by the record.

The one question is, has Congress the constitutional power to
90 confer upon the executive department, the executive officers of the Government, jurisdiction to try and finally determine adversely the question whether a person seeking to enter the United States is a citizen thereof and as such entitled to enter? Is this a political question? The other question is, have the petitioners, or either of them, placed themselves in a position to raise this question of citizenship in this court?

That Congress has full authority to confer upon the executive officers of the Government plenary power to exclude and deport aliens of any nationality is settled.

Fong Yue Ting v. United States, 149 U. S., 698.
Wong Wing v. United States, 163 U. S., 228.
Chae Chan Ping v. United States, 130 U. S., 581.
Nishimura Ekiu v. United States, 142 U. S., 651–659.
Japanese Immigrant case, 189 U. S., 86.
Lem Moon Sing v. United States, 158 U. S., 538.

It is claimed that the power to exclude and deport aliens necessarily includes the power to try and determine the question whether the person excluded or proceeded against is an alien. While Congress has the power to provide for the exclusion and deportation of aliens, and may fix the terms and conditions on which aliens may enter the United States or remain, being here, and also has the power to confer the authority to determine whether those terms and conditions have been complied with on executive officers of the Government, it does not necessarily follow that, for purposes of exclusion or deportation, the power to determine who are aliens and who are citizens may be conferred by Congress on the executive officers or executive department of the Government.

91 The one question is, whether persons conceded to be aliens shall be admitted at all or on or under certain conditions, the existence of which conditions is matter of proof, or deported if certain conditions have not been complied with, &c., and in no sense determines or adjudges the question of citizenship, which is not an issue, while the other question is one that involves the status, liberty, and property rights of the person or persons refused admission or proceeded against. A citizen has the right to live in the country of which he is a citizen; to go and come as he pleases, even to go to and return from a foreign country, if he conforms to the quarantine and other laws on the subject, and to own property and exercise many rights not belonging to an alien, unless banished as a punishment for crime. The right to refuse all aliens admission into the United States is conceded.

A citizen of the United States can not constitutionally be refused admission. Aliens found in the United States may be deported simply because they are aliens.

A citizen of the United States can not in any event lawfully be deported, unless as a punishment for crime, of which he has been duly convicted after a fair trial by the judicial department of the Government. Nor can he be excluded from the country. As an attribute of sovereignty, a sovereign nation, as a means of self-preservation, both in times of war and times of peace, must have, and has, the right to determine who shall be citizens thereof, and what persons, not being citizens, shall be permitted to enter or reside within its territorial limits, and also fix the terms and conditions on which such persons may remain, and also change them at will. But once admitted to citizenship in the United States, the person so admitted becomes a party to the Constitution, entitled to the benefits of its guarantees of protection according to and under the laws adopted in conformity thereto. At first blush, it

92 would seem clear that a person claiming to be a citizen of the United States has the right to have that alleged fact, if disputed under circumstances involving his liberty and property rights, determined in the courts and according to the established rules and forms of legal procedure. If not so, then any citizen may be deported, in effect

banished from the United States, if it is charged that he is an alien, and laws excluding and deporting all aliens are enacted, on the judgment of any executive officer on whom Congress may see fit to devolve the determination of the question of expulsion, &c., and consequently that of citizenship. If no appeal is provided, such judgment would be final and conclusive, and the form or mode of trial (in the absence of legislative enactment) might depend on the mere whim or caprice of the executive officer clothed with power in the premises. Has any decision of the Supreme Court of the United States gone to the extent of holding any such doctrine?

It may be well to cite some of the cases and quote the language of the court:

In the Nishimura case, 142 U. S., 651, the court said:

"It is not within the province of the judiciary to order that foreigners who have never been naturalized, nor acquired any domicil or residence within the United States, nor even been admitted into the country pursuant to law, shall be permitted to enter, in opposition to the constitutional and lawful measures of the legislative and executive branches of the National Government. As to such persons, the decisions of executive or administrative officers, acting within the powers expressly conferred by Congress, are due process of law."

In Lem Moon Sing v. United States, 158 U. S., 538, the court said:

"The power of Congress to exclude aliens altogether from the
93 United States, or to prescribe the terms and conditions upon which they may come to this country, and to have its declared policy in that regard enforced exclusively through executive officers, without judicial intervention, is settled by our previous adjudications."

In Fok Yung Yo v. United States, 185 U. S., 296–305, the court said:

"Congressional action has placed the final determination of the right of admission in executive officers, without judicial intervention, and this has been for many years the recognized and declared policy of the country."

In that case it was admitted that the petitioner was a subject of the Empire of China. On his arrival at the port of San Francisco he stated that he intended to pursue his journey to San Jose de Guatemala. The collector refused to permit him to proceed further. Habeas corpus proceedings were then instituted. No question of citizenship was involved in that case, and it is clear under the decisions that the action of the executive officers was final and conclusive.

In the Japanese Immigrant case, 189 U. S., 86, the court held:

"2. It has been firmly established by numerous decisions of this court that it is within the constitutional power of Congress to exclude aliens of a particular race from the United States; prescribe the terms and conditions upon which certain classes may come to this country; establish regulations for sending out of the country such aliens as come here in violation of law, and commit the enforcement of such provisions, conditions, and regulations to executive officers, without judicial intervention."

94 "3. An administrative officer, when executing the provisions of a statute involving the liberty of persons, may not disregard the fundamental principles of due process of law as understood at the

time of the adoption of the Constitution. Nor is it competent for any executive officer, at any time within the year limited by the statute, to to arbitrarily cause an alien who has entered the country, and has become subject in all respects to its jurisdiction, and a part of its population, although illegally here, to be arrested and departed without giving such alien an opportunity, appropriate to the case, to be heard upon the questions involving his right to be and remain in the United States.

Where, however, the alien had notice, although not a formal one, the courts cannot interfere with the executive officers conducting it. The objections of the alien to the form of the investigation could have been presented to the officer having primary control of the case, or by an appeal to the Secretary of the Treasury, and the action of the executive officers is not subject to judicial review."

But here no question of citizenship was involved.

In Wong Wing v. United States, 163 U. S., 228, it was decided:

"Detention or temporary confinement, as part of the means necessary to give effect to the exclusion or expulsion of Chinese aliens is valid.

"The United States can forbid aliens from coming within their borders, and expel them from their territory, and can devolve the power and duty of identifying and arresting such persons upon executive or subordinate officials, but when Congress sees fit to further promote such a policy by subjecting the persons of such aliens to infamous pun-
95 ishment at hard labor, or by confiscating their property, such legislation to be valid, must provide for a judicial trial to establish the guilt of the accused."

The court in its opinion said:

"We regard it as settled by our previous decisions that the United States can, as a matter of public policy, by Congressional enactment, forbid aliens or classes of aliens from coming within their borders, and expel aliens or classes of aliens from their territory, and can, in order to make effectual such decree of exclusion or expulsion, devolve the power and duty of identifying and arresting the persons included in such degree, and causing their deportation, upon executive or subordinate officials."

In using the word "identifying" did the court mean to understand as holding that it is competent for Congress to devolve upon executive officials the power to ascertain and determine who are and who are not aliens?

In Nishimura Ekiu v. The United States, 142 U. S., 651, it was decided:

"The act of March 3, 1891, c. 551, forbidding certain classes of alien immigrants to land in the United States, is constitutional and valid.

"Upon a writ of habeas corpus, if sufficient ground for the prisoner's detention by the Government is shown, he is not to be discharged for defects in the original arrest or commitment.

"Inspectors of immigration under the act of March 3, 1891, c. 551, are to be appointed by the Secretary of the Treasury.

"The decision of an inspector of immigration, within the
96 authority conferred upon him by the act of March 3, 1891, c. 551, that an *an* alien immigrant shall not be permitted to land because within one of the classes specified in that act, is final and conclusive against his right to land, except upon appeal to the Commissioner of

Immigration and the Secretary of the Treasury, and can not be reviewed on habeas corpus even if it is not shown that the inspector took or recorded any evidence on the question."

In this case there was no pretense that the petitioner was a citizen of the United States.

In United States v. Jung Ah Lung, 124 U. S., 621 the head notes are as follows:

"A Chinese laborer, who resided in the United States on November 17, 1880, continued to reside there till October 24, 1883, when he left San Francisco for China, taking with him a certificate of identification issued to him by the collector of that port, in the form required by the 4th section of the act of May 6, 1882, c. 126, 22 Stat., 58, which was stolen from him in China, and remained outstanding and uncanceled. Returning from China to San Francisco by a vessel, he was not allowed by the collector to land, for want of the certificate, and was detained in custody in the port, by the master of the vessel, by direction of the customs authorities. On a writ of habeas corpus, issued by the district court of the United States, it appeared that he corresponded, in all respects, with the description contained in the registration books of the custom-house of the person to whom the certificate was issued. He was discharged from custody, and the order of discharge was affirmed by the circuit court."

97 On appeal to this court, by the United States, held:

"(1) He was in custody under or by color of the authority of the United States, and the district court had jurisdiction to issue the writ;"

"(4) The jurisdiction of the court was not affected by the fact that the collector had passed on the question of allowing the person to land, or by the fact that the treaty provides for diplomatic action in a case of hardship."

"(3) The case of the petitioner was not to be adjudicated under the provisions of the act of July 5, 1884, c. 220, 23 Stat., 115, where they differed from those of the act of 1882."

"(4) In view of the provisions of § 4 of the act of 1882, in regard to a Chinese laborer arriving by sea, as distinguished from those of § 12 of the same act in regard to one arriving by land, the district court was authorized to receive the evidence it did in regard to the identity of the petitioner, and, on the facts it found, to discharge him from custody."

In Lem Moon Sing v. United States, 158 U. S., 546, 547, 548, the court said:

"The contention is that while, generally speaking, immigration officers have jurisdiction under the statute to exclude an alien who is not entitled under some statute or treaty to come into the United States; yet, if the alien is entitled, of right, by some law or treaty, to enter this country, but is nevertheless excluded by such officers, the latter exceed their jurisdiction; and their illegal action, if it results in restrain-

98 ing the alien of his liberty, presents a judicial question for the decision of which the courts may intervene upon a writ of habeas corpus.

"That view, if sustained, would bring into the courts every case of an alien who claimed the right to come into the United States under some law or treaty, but was prevented from doing so by the executive branch

of the Government. This would defeat the manifest purpose of Congress in committing to subordinate immigration officers and to the Secretary of the Treasury exclusive authority to determine whether a particular alien seeking admission into this country belongs to the class entitled by some law or treaty to come into the country, or to a class forbidden to enter the United States. Under that interpretation of the act of 1894 the provision that the decision of the appropriate immigration or customs officers should be final, unless reversed on appeal to the Secretary of the Treasury, would be of no practical value.

"The power of Congress to exclude aliens altogether from the United States, or to prescribe the terms and conditions upon which they may come to this country, and to have its declared policy in that regard enforced exclusively through executive officers, without judicial intervention, is settled by our previous adjudications. Is a statute passed in execution of that power any less applicable to an alien, who has acquired a commercial domicil, within the United States, but who, having voluntarily left the country, although for a temporary purpose, claims the right under some law or treaty to reenter it? We think not. The words of the statute are broad and include 'every case' of an alien, at least every Chinese alien, who, at the time of its passage, is out
99 of this country, no matter for what reason, and seeks to come back. He is none the less an alien because of his having a commercial domicil' in this country. While he lawfully remains here he is entitled to the benefit of the guaranties of life, liberty, and property secured by the Constitution to all persons, of whatever race, within the jurisdiction of the United States. His personal rights when he is in this country and such of his property as is here during his absence are as fully protected by the supreme law of the land as if he were a native or naturalized citizen of the United States. But when he has voluntarily gone from the country, and beyond its jurisdiction, being an alien, he can not reenter the United States in violation of the will of the Government as expressed in enactments of the lawmaking power. He can not, by reason merely of his domicil' in the United States for purposes of business, demand that his claim to reenter this country by virtue of some statute or treaty, shall be determined ultimately, if not in the first instance, by the courts of the United States, rather than exclusively and finally, in every instance, by executive officers charged by an act of Congress with the duty of executing the will of the political department of the Government in respect of a matter wholly political in its character. He left the country subject to the exercise by Congress of every power it possessed under the Constitution."

In Fong Yue Ting v. United States, 149 U. S., at page 713, the court said:

"The power to exclude or expel aliens, being a power affecting international relations, is vested in the political departments of the Government, and is to be regulated by treaty or by act of Congress, and
100 to be executed by the executive authority according to the regulations so established, except so far as the judicial department has been authorized by treaty or by statute, or is required by the paramount law of the Constitution, to intervene."

In substance this is the effect of all the decisions bearing on the subject.

This court finds no case decided by the Supreme Court of the United States holding that Congress may commit to the executive department under the interstate-commerce clause of the Constitution the right to determine finally the question of the citizenship of a person applying for admission into the United States.

In United States v. Wong Kim Ark, 169 U. S., 649, the petitioner applied to the collector of customs at San Francisco for permission to land and enter the United States. He was refused admission and restrained of his liberty by the collector, who decided he was not entitled to enter. The petitioner claimed citizenship, and this was the question before the courts. It was decided that he was a citizen and discharged on that ground. His citizenship was denied and directly in question. It does not appear that the right of the courts to intervene was challenged, or that it was claimed that the decision of the collector was final or conclusive.

In Chin Bak Kan v. United States, 186 U. S., 193, it was charged that the petitioner, a Chinese person, knowingly and unlawfully came into the United States and was not entitled to remain. He was informed of the charge against him and advised that he would be permitted to make a statement without or with oath, or refuse to make any statement or to answer any question put to him, and was entitled to reasonable time to send for counsel and to procure the attendance of witnesses. He denied the charges made, but admitted that he had just come into the
101 United States. The hearing and trial was had before a United States commissioner, who decided that the petitioner was a Chinese person and a laborer, and that he unlawfully entered the United States as charged in the complaint and was not entitled to remain therein. It was accordingly adjudged that he be removed from the United States to the Empire of China. The petitioner gave no proof that he was a citizen of the United States or of any country other than China. From the judgment of deportation an appeal was taken to the district court of the United States, where the judgment of deportation was affirmed. On appeal to the Supreme Court of the United States it was held that it was competent for Congress to empower a United States commissioner to determine the various facts on which the citizenship of a Chinese person depends. The court held that:

"A United States commissioner is a quasi judicial officer, and in these hearings he acts judicially. Moreover, this case was taken by appeal from the commissioner to the judge of the district court, and his decision was affirmed, so that there was an adjudication by a United States judge in the constitutional sense as well as by the commissioner acting as a judge in the sense of the statute."

The court further said in the opinion:

"By the law the Chinese person must be adjudged unlawfully within the United States unless he 'shall establish by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.' As applied to aliens there is no question of the validity of that provision, and the treaty, the legislation, and the circumstances considered, compliance with its requirements can not be avoided by the mere assertion of citizenship. The facts on
102 which such a claim is rested must be made to appear. And the inestimable heritage of citizenship is not to be conceded to those

who seek to avail themselves of it under pressure of a particular exigency, without being able to show that it was ever possessed.

"Section thirteen of the act of September 13, 1888, provides that any Chinese person, or person of Chinese descent, found unlawfully in the United States, may be arrested on a warrant issued upon a complaint under oath, 'by any justice, judge, or commissioner of any United States court,' and when convicted, on a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, shall be removed to the country whence he came. 'But any such Chinese person convicted before a commissioner of the United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.'

"It seems to have been assumed, during the years following the date of the act, and is conceded by the United States, that although most of its provisions were dependent upon the ratification of the treaty of March 12, 1888, and failed with the failure of ratification, that this section is in and of itself independent legislation and in force as such. Accordingly in this case an appeal was taken from the judgment of deportation rendered by the commissioner to the judge of the district court of the United States for the northern district of New York, and, upon hearing, the district court affirmed that judgment. From the judgment of the district court this appeal was taken under section five of the act of March 3, 1891, on the ground that the construction of the treaty of 1894 was drawn in question. Except in cases under that section where the question of jurisdiction alone is certified, we have power to dispose of the
103 entire case, but as the jurisdiction of the commissioner is sustained, we are of opinion that we can not properly reexamine the facts already determined by two judgments below. That is the general rule, and there is nothing to take this case out of its operation, and, on the contrary, the conclusion is, a fortiori, justified. The same reasoning in respect to the authority to exclude applies to the authority to expel, and the policy of the legislation in respect to exclusion and expulsion is opposed to numerous appeals. And we are not disposed to hold that where a Chinese laborer has evaded the executive jurisdiction at the frontier and got into the country, he is therefore entitled to demand repeated rehearings on the facts."

Article 5, amendments to the Constitution of the United States, provides, "No person shall be * * * deprived of life, liberty, or property, without due process of law. * * *"

We are thus brought to face with the proposition whether or not "due process of law" in determining the question of citizenship, when raised in proceedings to exclude or deport aliens, requires a trial and determination of the question in the courts of the United States by the judicial department of the Government? That to exclude from entry into the United States, or to deport therefrom, a citizen of the United States deprives him of liberty and property in the constitutional sense can not be successfully denied. Liberty includes not only the right to be out of prison, free to come and go, if the law is not violated in so doing, but to engage in all lawful pursuits, earn a livelihood, and own and enjoy property.

The powers of jurisdiction of the judicial department is thus defined by the Constitution, art 3, sec. 1:

"The judicial power of the United States shall be vested in
104 one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish." * * *

Sec. 2. "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States and treaties made, or which shall be made under their authority * * * to controversies to which the United States shall be a party. * * *"

The fourteenth amendment to the Constitution declares who are citizens and, as we have seen, no person is to be deprived of life, liberty, or property without due process of law. When a citizen of the United States seeks to enter the country and is denied the right to enter and refused entrance by the executive officers acting under a law of Congress authorizing them to exclude and refuse admission to alien Chinese, or Chinese persons, and such refusal of admission is sought to be justified on the ground that the party seeking entrance is an alien and not a citizen, and such person is then held in custody to be returned to China and he appeals to the courts alleging that he is illegally restrained of his liberty and that he is a citizen of the United States, and is held under the determination of a tribunal having no jurisdiction to pronounce it, do we not have "a case" arising under the Constitution, or a controversy to which the United States is a party? Does not the judicial power extend to this class of cases and these controversies? And, if so, may Congress devolve the determination of the questions involved on the application for admission on the executive officers of the Government and make their decision final? But when we consider that we have a Government divided into departments, legislative, executive, and judicial, the making, the execution, and the interpretation of laws being committed to each respectively, it is not strange that there is found occasionally an
105 apparent conflict of authority. The determination of all questions of fact relating to controversies between the United States and citizens thereof does not necessarily devolve upon or belong to the judicial, department of the Government. There are many cases where the other departments are the sole and final arbiters in such controversies.

See Johnson v. Towsley, 13 Wall., 72–83; French v. Fyan, 93 U. S., 169–172; Quinby v. Conlan, 104 U. S., 420–426; Steel v. Smelting Co., 106 U. S., 450–453.

The Supreme Court has decided what facts must exist to constitute a person born in the United States of alien parents a citizen thereof. This is a determination by the judicial department of what the law is and as to what facts must exist to create that status. When a person comes to our shores seeking admission as a citizen, must the existence or nonexistence of the facts alleged by him be determined by the judicial department, or may that department which has authority over the coming of persons into the United States determine whether or not such facts exist? May not it ascertain and determine who are and who are not aliens? Would the law be operative and effective if the power does not exist? If such department may do this then the question here is, did the executive officers named have jurisdiction to ascertain the facts on which the citizenship of the petitioners depend? And of this there can be no serious question.

It is conceded that the petitioners are Chinese persons. They came from the Empire of China, and if born within the United States must have departed therefrom. They sought to return to and enter the United States, and having returned to our borders they applied for admission into the United States. They presented no proof of citizenship and made no pretense of compliance with the laws relating to and regulating
106 the return to the United States of Chinese persons. It must be competent for Congress to enact laws regulating the departure from and return to the United States of its own citizens. By the Constitution Congress has power to regulate interstate commerce, and this includes the coming of persons, any person, into the United States.

Congress in the exercise of this power has seen fit to enact:

"SEC. 4. That the master of any vessel arriving in the United States from any foreign port or place with any Chinese passengers on board shall, when he delivers his manifest of cargo, and if there be no cargo, when he makes legal entry of his vessel, and before landing or permitting to land any Chinese person (unless a diplomatic or consular officer, or attendant of such officer) deliver to the collector of customs of the district in which the vessel shall have arrived, the sealed certificate and letters as aforesaid, and a separate list of all Chinese persons taken on board of this vessel at any foreign port or place, and of all such persons on board at the time of arrival as aforesaid. Such list shall show the names of such persons and other particulars as shown by their open certificates, or other evidences required by this act, and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo." (See sec. 4, act of Sept. 13, 1888.)

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel." (See sec. 12, act of July 5, 1884.)

107 "SEC. 12. That before any Chinese passengers are landed from any such vessel the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law; and the collector shall in person decide all questions in dispute with regard to the right of any Chinese passenger to enter the United States, and his decision shall be subject to review by the Secretary of the Treasury and not otherwise." (See sec. 12, act of Sept. 13, 1888.)

Was it not competent for Congress to make this law and make it applicable to all Chinese persons, whether citizens or aliens?

If so, then these petitioners were bound to show compliance with the law, and not having done so, were properly denied admission.

Applying for admission, twenty-six of them made no claim of citizenship; the other six merely stated they were born in the United States, but made no statement and offered no evidence showing they were born in the United States under circumstances and conditions making them citizens. We have, then, a case of Chinese persons applying for admission into the United States and making application to those officers authorized by law to identify Chinese aliens and refuse them admission. They made no claim and offered no proof of citizenship. Judgment

having gone against them, as to their right to enter and necessarily as to their citizenship, they apply by counsel, who states on information and belief that they are citizens, for a writ of habeas corpus, seeking to try the question of their right to enter in the courts on a new plea or
108 allegation of fact not before asserted by them. If this can be done every Chinese person applying for admission and refused can, by alleging citizenship, bring the matter into court and have this question determined by the judicial department of the Government and in the courts. It will be said there is no force in this proposition provided the petitioners have the constitutional right to appeal to the courts for a trial of this question of fact.

In Chin Bak Kan v. United States, 186 U. S., 193, it was held that a United States commissioner is a quasi-judicial officer and that in the hearings under the Chinese exclusion laws he acts judicially. The court says: "But it is argued that the commissioner had no jurisdiction to act because the claim of citizenship was made." The court then states the facts necessary to make a Chinese person born in the United States a citizen of the United States, as held in United States v. Wong Kim Ark, 169 U. S., 649, and then says: "It is impossible for us to hold that it is not competent for Congress to empower a United States commissioner to determine the various facts on which citizenship depends under that decision."

A United States commissioner is neither a court nor the judge of any court, nor is he vested by law with any part of the judicial power of the United States, for the judicial power is vested in the Supreme Court and "such inferior courts as the Congress may from time to time ordain and establish," and can not be vested in a commissioner, who is neither made a court nor empowered to hold a court in the constitutional sense. True, he is an inferior officer of the court, appointed by it by authority of Congress with defined and circumscribed powers, but no part of the judicial power of the United States is vested in him, nor can it be.

United States v. Case, 8 Blatch. (U. S.), 250.

United States v. Schuman, 2 Abb. (U. S.), 523.

In re Kaine, 14 How. (U. S.), 103.

United States v. Clark, 1 Gall. (U. S.), 497.

109 In United States v. Case, supra, Woodruff, J., said "the commissioner holds no court; he acts simply as an arresting, examining, and committing magistrate."

In U. S. v. Schuman, supra, Field, J., said:

"The powers conferred are judicial in their nature, for judgment and discretion must be exercised, but they are not judicial in the sense in which judicial power is granted by the Constitution to the courts of the United States."

In U. S. v. Clark, supra, held that a judge of the United States court sitting as an examining magistrate is not a court.

If, then, it is competent for the Congress to commit to United States commissioners the determination of the various facts on which the citizenship of a Chinese person depends, why is it not competent for Congress to commit to executive officers appointed by the heads of departments having jurisdiction of immigration and interstate commerce the determination of the facts on which the citizenship of Chinese

persons applying for admission into the United States depends? All are inferior officers of the Government and possess those powers and those only which Congress confers. If in determining such a question a United States commissioner acts judicially and is a quasi-judicial officer (because of his powers and duties, not because Congress devolved his appointment on the courts), why are not the executive officers duly empowered by Congress to hear and decide and pronounce judgment in these cases fully as much quasi-judicial officers, and why do not they too act judicially in hearing and deciding these cases?

Neither the commissioner nor the inspector, &c., is exercising the judicial power of the Government, for it is not vested in either
110 of them and, as said, can not be. The Constitution, as we have seen, vests this power in the courts alone. It follows that a United States commissioner in determining the various facts on which the citizenship of a Chinese person depends, while acting judicially, is neither possessed of nor exercising any part of the judicial power of the United States, and that under the holding in Chin Bak Kan v. United States, it is competent for Congress to confer upon any inferior officer of the Government, especially those appointed by the Department of Commerce and Labor, which has power to regulate the coming of all persons into the United States, plenary power to determine the various facts on which citizenship depends (so far as they relate to persons applying for admission into the United States), and that an appeal may be taken to the Secretary of Commerce and Labor, whose decision shall be final. If no appeal is taken, then the determination of the inferior officer is of course final, res adjudicata of those facts.

Chin Bak Kan v. United States, 186 U. S., 193.

Judgment has been passed by those officers competent and duly authorized and having jurisdiction to pronounce it, and this court is without power in this proceeding to annul or reverse it. The petitioners are not deprived of their liberty without due process of law, for they have had a competent tribunal in which to be heard, a hearing with opportunity to present their evidence, a judgment or determination, and the right of appeal, all according to the law of the land. This is due process of law.

In the Japanese immigrant case, 189 U. S., 86, at page 100, Mr. Justice Harlan said (speaking of due process of law):

"No person shall be deprived of his liberty without opportunity at some time to be heard before such officers (those clothed with
111 authority in the premises), in respect to the matters upon which that liberty depends, not necessarily an opportunity upon a regular set occasion and according to the forms of judicial procedure, but one that will secure the prompt, vigorous action contemplated by Congress, and at the same time be appropriate to the nature of the case upon which such officers are required to act."

Here was such an occasion and such a hearing. The petitioners can not complain, for when called upon to speak, and when it was their duty to speak, they remained mute, refusing to present the facts calling for a favorable decision, if such facts existed. The proceeding was not a criminal action in fact or in its nature. The petitioners applied for admission into the United States, and were bound to come prepared to show their

right to enter, that right being denied. There is no pretense they were denied a hearing or an opportunity to present evidence. The officers duly authorized to act, and acting according to law, heard and considered all the evidence offered or presented, and then gave judgment.

It may be remarked that the constitutional power of the Department of Commerce and Labor under the interstate and foreign commerce clause of the Constitution seems to be broad enough to give Congress power to confer jurisdiction on its officers to determine all questions of the right of persons to enter the United States, including the facts on which depends that of citizenship.

It is not intended to hold, and this court is not to be understood as holding, that cases may not arise (extraordinary in their nature and facts) where an appeal to the courts in appropriate proceedings may not be had, but under the facts of this case, as presented to the court and as presented to the executive officers, noncompliance with the law on the part of these petitioners "can not be avoided by the mere assertion of citizenship" made at this time and in this manner.

Chin Bak Kan v. United States, 186 U. S., 193.

112 The petitioners assert that there is a decided distinction between the laws committing the decision of these questions to United States commissioners and those devolving the power on inspectors of immigration. It is pointed out that in the case of commissioners an appeal to and review by a judge of the district court, and then by the higher courts, is provided for or permitted, and, hence, that there may be a hearing in the courts of the United States, which constitutes due process of law, while no appeal to a judge or the courts from the decision of the inspector is permitted, only on appeal to the Secretary of Commerce and Labor. The trial and determination of the questions involved are committed to United States commissioners, and their decisions are final if not appealed from. If this provision is invalid (does not accord due process of law), it is difficult to see how the hearing before an officer having no jurisdiction is validated by giving the right of appeal from his decision to the courts having jurisdiction in such cases. The record upon which the courts pass when the case comes up on appeal is made by the commissioner, and it is the correctness of his conclusions on the law and facts that is reviewed on appeal. The case is not tried and determined de novo. If the commissioner has no jurisdiction, then the Chinese person proceeded against has had no constitutional trial or hearing, and the illegal and unauthorized proceeding can not be validated by the action of any appellate tribunal, its power being confined to a review of the proceedings had before the commissioner.

It follows from these considerations that the petitioners are not illegally held or detained. The writ must be dismissed and the persons remanded. So ordered.

(Endorsed:) Opinion. George W. Ray, judge. Filed Nov. 30, 1903. W. S. Doolittle, clerk.

113 *Order dismissing writ of habeas corpus.*

United States circuit court, northern district of New York.

In the matter of the application of Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Sang, Wing Foo, Chong Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Ming Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing for a writ of habeas corpus.

A petition having been duly presented, dated October 16th, 1903, made by R. M. Moore, esq., on behalf of the above-named Sing Tuck et al., alleging, among other things, that the said Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Sang, Wing Foo, Chong Yuet, Hong (Quai) Yong,
114 Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Ming Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing are Chinese persons born in the United States, and are citizens thereof, and that they are restrained of their liberty and detained by Thomas D'Acry, Chinese inspector of the United States, at Malone, N. Y., and praying that a writ of habeas corpus be issued out of said court, directed to the said Thomas D'Arcy, Chinese inspector of the United States, to inquire into the cause of such detention, and on the 23d day of October, 1903, a writ of habeas corpus having been duly issued in the name of the President of the United States of America to Thomas D'Arcy, Chinese inspector, commanding him to have the bodies of the said Sing Tuck and the said above-named other Chinese persons before the undersigned, George W. Ray, judge of the United States district court for the northern district of New York, at his chambers in the United States courthouse in the city of Utica, N. Y., on the 10th day of November, 1903, to do and receive what shall then and there be commanded of him, and on the said 10th day of November, 1903, the said Thomas D'Arcy having made return to such writ of habeas corpus, and showing, among other things, that the said above-named Sing Tuck and each and of the other said Chinese persons on the 13th day of October, 1903, applied to the Chinese inspectors of the United States at the port of Malone, within the northern district of New York, for entry into the United States, and that they, the said Sing Tuck and each of the other above-named Chinese persons were aliens, having immediately arrived from the Empire of China, and were seeking to enter the United States, and that the question of their right to enter the United States and the question of the place of their birth was duly tried, considered, and determined by the Chinese inspectors of the United
115 States, and officers duly authorized by the Congress of the United States to inquire into and determine the right of Chinese persons to enter the United States, and that it was duly decided and determined that the said Sing Tuck and each of the other said Chinese persons were Chinese persons and not born within the United States, and not entitled to enter the United States, and that they, the said Sing Tuck and each of the other Chinese persons named in said writ, were being held by

him, the said Thomas D'Arcy, as Chinese inspector of the United States, in the detention house provided by the Secretary of Commerce and Labor of the United States for the detention of Chinese persons and immigrants pending an investigation of their right to be admitted to the United States, and for their return to the Empire of China, from whence they came, according to law; and it appeared further from said return that the said Sing Tuck and the other named Chinese persons had not taken an appeal from the decision of the said Chinese inspectors, refusing them admission into the United States, to the Secretary of Commerce and Labor, as provided by law; that on the return day of said writ, to wit, the 10th day of November, 1903, the said R. M. Moore, esq., appeared as the attorney for Sing Tuck and each of said above-named Chinese persons, and that George B. Curtiss, United States district attorney for the northern district of New York, appeared as the attorney for the said Chinese inspector, Thomas D'Arcy, and also intervened in behalf of the United States of America and moved that the writ of habeas corpus herein be dismissed upon the following grounds:

First. This court has no jurisdiction to review the determination of the immigration officers of the United States in denying to the petitioners herein the right to enter the United States.

116 Second. That the determination of the immigration officers on the question of the right of the petitioners to enter the United States is final and conclusive, no appeal having been taken therefrom to the Secretary of Commerce and Labor.

Third. That it is not established by the petition and return that the petitioners, or any of them, have a lawful right to enter the United States.

Fourth. That the facts set forth in the petition and return show that the petitioners have no legal right to enter the United States.

Fifth. That the petitioners are not unlawfully detained or deprived of their liberty.

And, after hearing R. M. Moore, esq., on behalf of the said Sing Tuck and each of the other said Chinese persons, and after hearing George B. Curtiss, United States district attorney, on behalf of the said Thomas D'Arcy and the United States of America, and after having duly considered the matters involved, it is hereby

Adjudged that the detention of the said Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Sang, Wing Foo, Chong Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Ming Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing, by the said Thomas D'Arcy is lawful, and it is therefore hereby

Ordered, that the said petition by denied; that the writ of habeas corpus herein be dismissed, and that the said Sing Tuck and each of the other above-named Chinese persons be remanded to the custody

117 of Thomas D'Arcy, Chinese inspector of the United States, to be dealt with according to law.

GEO. W. RAY, *U. S. Judge.*

(Endorsed:) Or. dismissing writ of habeas corpus. Filed Dec. 3, 1903. W. S. Doolittle, clerk.

Appeal.

United States circuit court of appeals, second circuit.

In the matter of the application of Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Aang, Ying Foo, Chong Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Wing Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing for a writ of habeas corpus.

The above-named defendants, through their attorneys, Cantwell
118 & Moore, feeling themselves aggrieved by the judgment and order dismissing the petitioner's application for a writ of habeas corpus herein made and entered on the 1st day of December, 1903, by the Hon. George W. Ray, judge of the United States district court, the said judgment and order dismissing the petitioner's application for a writ of habeas corpus herein, which writ was theretofore allowed by the said judge, do hereby appeal from said judgment, order, and decision to the circuit court of appeals for the second circuit, and pray that their appeal may be allowed, and that a copy of the record of proceedings and papers upon which said judgment, decision, and order was made, duly authenticated, may be sent to the circuit court of appeals of the second judicial circuit of the United States.

CANTWELL & MOORE,
Attorneys for Petitioners, 11 William Street,
Borough of Manhattan, New York City.

119 *Order allowing appeal and staying proceedings.*

United States circuit court of appeals, second circuit.

In the matter of the application of Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Aang, Ying Foo, Chong Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Wing Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing for a writ of habeas corpus.

And now, to wit, on the 7th day of December, 1903, it is ordered that the appeal be allowed as prayed for; and

It is further ordered, that the proceedings herein be stayed until the hearing and determination of said appeal.

ALFRED C. COXE, *U. S. J.*

120 *Assignment of errors.*

United States circuit court of appeals, second circuit.

In the matter of the application of Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Aang, Ying Foo, Chong Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Wing Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sin, and Ark Len Wing for a writ of habeas corpus.

Afterwards, to wit, on the 7th day of December, 1903, before the honorable judge of the circuit court of appeals for the second circuit, in the State of New York, comes the defendants above named by their attorneys, Cantwell & Moore, and says in the record of proceedings aforesaid,
121 there is a manifest error, and that the judgment, order, and decision appealed from above is erroneous, as follows:

That the said judgment, order, and decision dismissing the petitioner's application for a writ of habeas corpus, made on the 1st day of December, 1903, in the above-entitled proceedings by the United States district judge, Hon. George W. Ray, is erroneous, as contrary to law, and that the said judgment, order, and decision so entered is erroneous, as contrary to law, and that the said judgment, order, and decision should have allowed to the petitioners the issuing of the writ of habeas corpus to determine the issues raised by *by* the petition and answer, to wit, were and are the petitioners citizens of the United States, which issue is a question of fact and could only be determined by taking evidence upon the issues raised by the petition and answer, and that the said decision, judgment, and order was further erroneous in that it held the alleged decision of the immigrant officer to be final and res adjudicata. Then, as a matter of fact, no competent or legal decision was ever rendered by the said inspector, and even if such decision had been legally rendered by the proper immigrant officer, it would not be final and res adjudicata as to the question of citizenship, as the inspector's authority is limited as to the rights of aliens to enter into the United States.

Wherefore, by the law of the land the writ should have been allowed and evidence offered to determine the issues raised by the petition and answer, and if the contention of the petitioner is true, then the writ should have been sustained and the defendant's discharged, and the defendants now pray that the said judgment and order made and entered by the Hon. George W. Ray, judge of the district court, in the office of the clerk of the United States district court for the northern district
122 of New York, on the 1st day of December, 1903, be reversed and for such other and further relief as may be proper in the premises.

CANTWELL & MOORE,
Attorneys for Defendants, 11 William Street,
Borough of Manhattan, N. Y. City.

Presented Dec. 9, 1903.

A. C. C.

(Endorsed:) Appeal, order allowing appeal and staying proceedings and assignment of errors. Filed Dec. 12, 1903. W. S. Doolittle, clerk.

United States circuit court of appeals for the second circuit.

In the matter of the application of Sing Tuck or King Do and others for a writ of habeas corpus.

STATE OF NEW YORK,
County of New York, ss:

R. M. Moore, being duly sworn, says: That he is a member of the law firm of Cantwell & Moore, having an office and place of business at No. 11 William street, borough of Manhattan, New York City, and

that on the 11th day of December, 1903, he served the annexed citation on George B. Curtis, United States district attorney for the north-
123 ern district of New York, by depositing a copy thereof properly enclosed in a postpaid wrapper in the post-office of said New York City, directed by the said George B. Curtis at Binghamton, New York, the place where the said George B. Curtis resides and has his office.

ROBERT M. MOORE.

Subscribed and sworn to before me this 15th day of December, 1903.

E. A. DAKIN,
Notary Public, Richmond County.

Certificate filed in New York County.

124 United States circuit court of appeals for the second circuit.

In the matter of the application of Sing Tuck or King Do, Boke Kay, Mon Chock, One Mon, King Dock, Gee Kee, Bok Wah, Quen Jong, Quong Aang, Ying Foo, Chong Yuet, Hong (Quai) Yong, Sing Kee, Due Ark, Hong Tai, Lum Chong, Sang Chong, Wing Chuey, Ham Sang, That (Shet) Shong, Do Lin, Jane (Lop) Lys, Mon (Gee) Che, Fong Ying, Ark On, Sing Hoy, Quin Lung, Lum Quong, Lum Mow, Bow Lung, Gong Sing, and Ark Len Wing for a writ of habeas corpus.

UNITED STATES OF AMERICA,
Second Judicial Circuit, ss:

You are hereby cited and admonished to be and appear at a session of the United States circuit court of appeals for the second circuit, to be held at the city of New York, in said circuit, on the 6th day of January, 1904, pursuant to an appeal filed in the clerk's office of the district court of the United States for the northern district of New York, and to show cause, if any there be, why the judgment and order rendered
125 against the above-named petitioners should not be corrected, and why speedy justice should not be done in that behalf.

Given under my hand at the city of New York, State of New York, in the circuit above named, this 9th day of December, 1903, and of the Independence of these United States the one hundred and twenty-seventh.

ALFRED C. COXE, *U. S. J.*

(Endorsed:) United States circuit court of appeals for the second circuit. In the matter of the application of Sing Tuck or King Do and others for a writ of habeas corpus. Citation. Cantwell & Moore, attorneys for defendants, 11 William street, borough of Manhattan, New York. U. S. circuit court, N. D. of N. Y. Filed Dec. 16, 1903. W. S. Doolittle, clerk.

UNITED STATES OF AMERICA,
Northern District of New York, ss:

I, William S. Doolittle, clerk of the circuit court of the United States of America for the northern district of New York, in the second circuit, do hereby certify that the foregoing pages numbered from 1 to 421, inclusive, contain a true and complete transcript of the record and pro-

ceedings had in said court, in the matter of the application of Sing Tuck or King Do and thirty-one others, for a writ of habeas corpus, as the same remain of record and on file in said office.

In testimony whereof I have caused the seal of the said court to be hereunto affixed, at the city of Utica, in the northern district of New York, in the second circuit, this ninth day of January, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth.

[SEAL.] W. S. DOOLITTLE, *Clerk.*

126 United States circuit court of appeals for the second circuit.

In the matters of the application of Sing Tuck or King Doe and 31 others for a writ of habeas corpus.

It is hereby stipulated that the following amendments and alterations be made in the return filed herein:

1. Strike out pages 4 to 19, inclusive.
2. On page 20, insert after "right," the words interlined in pencil, to wit: "And as the burden of proof is upon him to establish his right to enter the United States and having failed to do so."
3. After page 20, insert "an order identical with the foregoing except in name was made in the case of each of the petitioners."
4. Strike out pages 21 to 35, inclusive.
5. Strike out page 45, and insert in place thereof, "Attached to the foregoing is an order identical with that in the case of Sang Chong except as to name."
6. Strike out pages 49 to 56, inclusive, and insert in place thereof, "a return similar to the foregoing was made by Inspector Darcy in the case of each petitioner."
7. Strike out pages 58 to 65, inclusive.
8. Strike out pages 68 to 75, inclusive.
9. Strike out pages 78 to 85, inclusive.
10. Strike out pages 88 to 95, inclusive.
11. Strike out from pages 98 to 105.
12. Strike out pages 108 to 115, inclusive.

127 13. Strike out pages 118 to 126, inclusive.

14. Strike out pages 129 to 135, inclusive.
15. Strike out pages 138 to 145, inclusive.
16. Strike out pages 148 to 155, inclusive.
17. Strike out pages 158 to 165, inclusive.
18. Strike out pages 168 to 175, inclusive.
19. Strike out pages 178 to 185, inclusive.
20. Strike out pages 188 to 196, inclusive.
21. Strike out pages 202 to 209, inclusive.
22. Strike out pages 212 to 219, inclusive.
23. Strike out pages 222 to 229, inclusive.
24. Strike out pages 232 to 239, inclusive.
25. Strike out pages 242 to 249, inclusive.
26. Strike out pages 252 to 259, inclusive.
27. Strike out pages 262 to 269, inclusive.
28. Strike out pages 272 to 279, inclusive.

29. Strike out pages 282 to 289, inclusive.
30. Strike out pages 296 to 303, inclusive.
31. Strike out pages 306 to 313, inclusive.
32. Strike out pages 316 to 323, inclusive.
33. Strike out pages 326 to 333, inclusive.
34. Strike out pages 336 to 343, inclusive.
35. Strike out pages 346 to 353, inclusive.
36. Strike out pages 356 to 363, inclusive.
37. Strike out pages 366 to 373, inclusive.

Jan. 19th, 1904.

GEO. B. CURTISS,
U. S. Attorney.
CANTWELL & MOORE,
Attys. for Petitioners.

Ordered accordingly.

E. HENRY LACOMBE.

(Endorsed:) U. S. circuit court of appeals. In the matter of the application of Sing Tuck or King Doe for a writ of habeas corpus. Stipulation. United States circuit court of appeals, second circuit. Filed Jan. 19, 1904. William Park, clerk in.

128 United States circuit court of appeals for the second circuit.

No. 177. October term, 1903.

Submitted January 28, 1904. Decided February 2, 1904.

SING TUCK OR KING DO, AND THIRTY-ONE OTHERS, appellants,
vs.
THE UNITED STATES, APPELLEE.

Appeal from the circuit court of the United States for the northern district of New York.

Before Judges Lacombe, Townsend, and Coxe.

This cause comes here upon appeal from a decision of the circuit court, northern district of New York, dismissing a writ of habeas corpus. The petitioners were Chinese persons seeking to enter the United States. They were stopped by the immigration officers, who upon examination and enquiry, decided that they were not entitled to enter, and held them for deportation when the writ of habeas corpus was issued. The petition for the writ avers that the petitioners, although Chinese persons, were born in the United States and are citizens thereof. The returns to the writ showed that such examination had been made and such decision (unreversed on appeal to the Secretary of Commerce) had been arrived at. The circuit court held that: "Judgment has been passed by those officers competent and duly authorized and having jurisdiction to pronounce it, and this court is without power in this proceeding to annul or reverse it," and dismissed the writs.

129 Lacombe, circuit judge. The statutes relating to Chinese immigration provide a method whereby all Chinese persons seeking to

enter the United States shall be examined by executive officers touching their right so to enter. It is also provided in the act of August 18, 1894, that "in every case where an alien is excluded from admission into the United States * * * the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury." It is settled by the decision in Wong Kim Ark v. The U. S. (169 U. S., 649) that a child born in the United States of parents of Chinese descent who at the time of his birth were subjects of the Emperor of China, but had a permanent domicil, and residence in the United States, and were not employed in any diplomatic or official capacity under the Emperor of China, becomes at the time of his birth a citizen of the United States.

In Gee Fook Sing v. U. S. (49 F. R., 146) the circuit court of appeals in the ninth circuit held that "the laws excluding immigrants who are Chinese laborers are inapplicable to a person born in this country * * *; that any person alleging himself to be a citizen of the United States, and desiring to return to his country from a foreign land, and that he is prevented from doing so without due process of law, and who on that ground applies to any United States court for a writ of habeas corpus, is entitled to have a hearing and a judicial determination of the facts so alleged; and that no act of Congress can be understood or construed as a bar to such hearing and judicial determination." In this opinion we fully concur. We need not enter into the discussion of any constitutional questions presented on the briefs (and which do not come before this court for review); we are satisfied that however broad the language of the exclusion acts may be, it was not within the intent of Congress to submit the right of a native-born citizen of the United States to return to the land of his birth, to the final determination of executive officers. When therefore a
130 Chinese citizen of the United States is deprived of his liberty by an executive officer who is about to deport him, we are of the opinion that he is entitled to apply to the Federal court for a habeas corpus to enquire into the cause of his detention. To entitle himself to such writ he must, of course, satisfy the court that he can at least make out a prima facie case in support of the proposition that he is a citizen. But, when he has done that and the writ has issued, he is not precluded from insisting upon a judicial investigation of the issue, on any theory that the decision of the immigration officers is final, or that he has failed to conform to some of the regulations required in the case of Chinese persons who are aliens.

The order of the circuit court is reversed and cause remanded for enquiry into the status of the individual relators. This disposition of the cause is not to be taken as an expression of opinion as to whether in any of the cases a prima facie case even was made out by petitioner.

It has been suggested that this decision will affect a large number of pending causes, and will seriously interfere with the execution of the Chinese exclusion laws in the district. If the district attorney wishes to apply to the Supreme Court for a certiorari, the mandate will be held until he shall have had a reasonable opportunity so to do.

R. M. Moore for the appellants.

George B. Curtiss for the appellee.

22799—04——6

131 At a stated term of the United States circuit court of appeals, in and for the second circuit, held at the court rooms in the post-office building in the city of New York, on the 11th day of February, one thousand nine hundred and four.

Present: Hon. E. Henry Lacombe, Hon. William K. Townsend, Hon. Alfred C. Coxe, circuit judges.

SING TUCK OR KING DO AND 31 others, appellants, *vs.* THE UNITED STATES, APPELLEE. } Appeal from the circuit court of the United States for the northern district of New York.

This cause came on to be heard on the transcript of record from the circuit court of the United States for the northern district of New York, and was argued by counsel.

On consideration whereof it is now hereby ordered, adjudged, and decreed that the order of said circuit court be, and it hereby is, reversed, and cause remanded with instructions to enquire into the status of the individual relators.

It is further ordered that a mandate issue to the said circuit court in accordance with this decree.

132 (Endorsed:) United States circuit court of appeals, second circuit. Sing Tuck *vs.* U. S. Order for mandate. United States circuit court of appeals, second circuit. Filed Feb. 13, 1904. William Parkin, clerk.

133 UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, William Parkin, clerk of the United States circuit court of appeals for the second circuit, do hereby certify that the foregoing pages, numbered from 1 to 132, inclusive, contain a true and complete transcript of the record and proceedings had in said court in the case of Sing Tuck or King Do, & 31 others, against United States, as the same remain of record and on file in my office.

In testimony whereof I have caused the seal of the said court to be hereunto affixed, at the city of New York, in the southern district of New York, in the second circuit, this 15th day of February, in the year of our Lord one thousand nine hundred and four, and of the Independence of the said United States the one hundred and twenty-eighth.

WM. PARKIN, *Clerk.*

134 UNITED STATES OF AMERICA, ss:

The President of the United States of America, to the honorable the judges of the United States circuit court of appeals for the second circuit, greeting:

Being informed that there is now pending before you a suit in which Sing Tuck or King Do and thirty-one others are appellants and the United States is appellee, which suit was removed into the said circuit court of appeals by virtue of an appeal from the circuit court of the United States for the northern district of New York, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said circuit court of appeals
135 and removed into the Supreme Court of the United States, do hereby command you that you send without delay to the said

Supreme Court, as aforesaid, the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the honorable Melville W. Fuller, Chief Justice of the United States, the second day of March, in the year of our Lord one thousand nine hundred and four.

JAMES H. MCKENNEY,
Clerk of the Supreme Court of the United States.

136 (Indorsed:) File No., 19242. Supreme Court of the United States. No. 591. October term, 1903. The United States vs. Sing Tuck or King Do & thirty-one others. Writ of certiorari. Filed Mar. 4, 1904. William Parkin, clerk. United States circuit court of of appeals, second circuit.

137 In the Supreme Court of the United States, October term, 1903.

THE UNITED STATES, PETITIONERS,
vs.
SING TUCK OR KING DO AND THIRTY-ONE OTHERS, respondents. } No. 591.

Stipulation as to return.

It is hereby stipulated by counsel for the parties to the above-entitled cause that the certified copy of the transcript of the record and proceedings in the circuit court of appeals for the second circuit, now on file in the Supreme Court of the United States, shall constitute the return of the clerk of the circuit court of appeals to the writ of certiorari issued herein.

H. M. HOYT,
Solicitor-General.
CANTWELL & MOORE,
Counsel for Respondents.

138 *To the Supreme Court of the United States, greeting:*

The record and all proceedings whereof mention is within made having been lately certified and filed in the office of the clerk of the honorable the Supreme Court of the United States, a copy of the stipulation of counsel is hereto annexed, and under direction of counsel for the petitioner, said stipulation is certified as a return to the writ of certiorari issued herein.

Dated, New York, March 4, 1904.

[SEAL.]

WM. PARKIN,
Clerk of the United States Circuit Court of Appeals for the Second Circuit.

139 (Indorsed:) United States circuit court of appeals, second circuit. Sing Tuck or King Do & 31 others v. U. S. Return to certiorari.

140 (Indorsed:) File No., 19242. Supreme Court U. S. October term, 1903. Term No., 591. The United States, petitioner, vs. Sing Tuck or King Do & thirty-one others. Writ of certiorari and return thereto. Filed March 5th, 1904.